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ABSTRACT

Poverty remains a persistent problem for many women, and certain features of American life serve to keep them in a disadvantaged economic position. The welfare system is so arranged that many of its programs (such as the Work Incentive Program) favor men or (as in the case of Aid to Families with Dependent Children) force poor women to place their children in Day Care Centers even when this violates the mother's wish. In many instances the child care provided is inadequate. Women also suffer employment discrimination and this, coupled with traditional notions of job categories, has kept a disproportionate number of women in positions that pay poorly and offer little prospect of advancement. These institutional forces all tend to perpetuate poverty among women. (WP)

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# WOMEN
## Still in Poverty

United States Commission on Civil Rights
Clearinghouse Publication 60 July 1979

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- Study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
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# Introduction

In 1972 the jurisdiction of the United States Commission on Civil Rights was expanded to include discrimination based on sex. One of the major efforts undertaken pursuant to this jurisdiction was a study of "women in poverty."

The designation "women in poverty" includes women of all races and ethnicities, ranging in years from mid-teens to old age. Frequently, a woman is the sole supporter of her children or of aged relatives. Contrary to some stereotypes, women in poverty are not only those on the rolls of welfare agencies, but also in the work force with incomes below the poverty level, concentrated in low-skilled, low-paid, traditionally female job occupations. Many women whose only incomes are from social security, private pensions, or annuities also live in poverty.

The 1975 census revealed that:

- Approximately 20 percent of female-headed families which receive wages or salaries have incomes below the poverty level.
- Nineteen percent of female-headed families with income from private pensions, annuities, or alimony are in poverty.
- Women also represent three-fourths of all persons receiving public assistance and welfare payments—and of these women, more than half are living in poverty.

In more general terms, one out of three female-headed families is living in poverty, as compared with one out of four male-headed families. Because of Census Bureau definitions, however, it is possible that an even greater number of poverty-level families are female headed. For example, the Bureau uses a lower income level definition for female headed households than for those male-headed. Also, as long as a husband is living with his family, he is regarded by the Census Bureau as the family head, even if the wife is the family's only provider or earns as much as or more than the husband. Thus, the only women tabulated as heads of households are those without husbands.

Women in poverty are buffeted by all the economic problems that affect society in general, such as inflation, recession, and fuel shortages. Major *institutional* forces, such as employment discrimination, however, tend to create or perpetuate a condition of poverty among a disproportionate number of American women.

This report describes the operation of some of these institutional systems and their effects on women. Three topic areas are covered: the welfare system, job training programs and employment discrimination, and child care availability.

In June of 1974 the Commission held 3 days of hearings in Chicago, Illinois. Subsequent hearing sessions were held in July, August, and November of 1974. These hearings focused on a range of issues affecting women: public assistance, job training and traditional versus nontraditional employment, child care, social security and pensions, and the many problems faced by women in employment.

Selected followup staff work was conducted in 1978 to guage any progress or change from the problems or patterns identified in 1974. This report is therefore based on the 1974 hearings, 1978 staff interviews, and the most recent data sources available.

Chapter 1

# Women on Welfare

## Summary

The primary welfare program affecting women is Aid to Families with Dependent Children (AFDC). Seventy-six percent of families receiving AFDC are female headed. Although the majority of AFDC recipients are white, a disproportionate number of minority female-headed families require such aid. Under Work Incentive legislation, AFDC recipients are required to register for work or job training programs. No exception is made for female heads of households with dependent children 6 years of age or older. Thus, while middle-income women have traditionally been encouraged to remain at home to rear their children, welfare mothers are denied this choice. If child care is available, a mother must accept it, whether or not it provides for her children's needs, in order to satisfy Work Incentive requirements.

The WIN program (as Work Incentive is called) gives unemployed fathers priority placement in training programs, thereby limiting access of women to the programs. Women on AFDC who have young children and who wish to work and attain a better economic status are not given any priority for the WIN program. Even when women are placed, they end up with the lowest paid work, usually traditional "women's work" with the least chance of advancement or salary increases. It is significant that only 18 percent of WIN registrants earn enough income to take them off welfare.

Although Aid to Families with Dependent Children is federally supported, with each State providing limited contributions, the States retain considerable authority for the design and operation of their programs. As a result, there is wide variation in policy and administration from State to State. Each State, for example, establishes its own definition of eligibility, defines the standard of need for survival within its jurisdiction, and determines what percentage of this standard will be provided in benefits and the numbers and kinds of services it will provide.

This leeway allowed the States by the Federal Government has created serious problems for AFDC recipients. The wide variations in program requirements among States make it difficult to monitor the programs or assess policies to assure compliance with Federal requirements, especially in light of staff shortages in the monitoring agency. Furthermore, welfare recipients tend to be in such precarious financial situations, and so uninformed of their rights and of available benefits, that they tend to expect little, often do not perceive injustices, and rarely challenge administrative decisions.

In many States it is difficult to get welfare aid if the father remains in the home, even though he may be unable to obtain work. Legislation has been enacted that makes more stringent the requirements for obtaining support from absent fathers, even if a woman has good reason for not doing so.

Abuses in the welfare system are widespread and include humiliating and frustrating application procedures, staff who are often insensitive to applicants' needs and uninformative of their rights, inadequate provisions for non-English-speaking applicants, and unnecessary delays in processing applications.

The reform of the welfare system is a much discussed and oftentimes hotly debated issue. Currently, there are two Government programs provid-

ing assistance on the basis of need, the Supplemental Security Income (SSI) program and the Aid to Families with Dependent Children (AFDC) program. SSI is operated by the Social Security Administration to provide assistance payments to persons who are financially eligible and who are aged, blind, or disabled. SSI is completely federally funded, although States can elect to supplement the basic SSI payment. The AFDC program is jointly funded by Federal and State appropriations.

Assistance payments are provided to dependent children and the relatives or guardians who care for them. "Dependent children" are children under 18 years old (or under 21 if a full-time student) who are deprived of parental support or care by reason of death, continued absence from home, or physical or mental incapacity of a parent, or in some States, unemployment or underemployment of a parent. While children may be cared for by a variety of adults, the overwhelming majority are cared for by their mothers who *de facto* become the heads of their families. Because of this prevalence of maternal care of socioeconomically needy children, AFDC essentially constitutes a welfare program for low-income mothers and their children. That is to say, AFDC disproportionately affects women and their families.

Most of the criticisms leveled against "the welfare system" are directed at the AFDC program and proposals for reform of the program have been multitudinous. Some critics of the present system suggest a total reworking of the program; others, piecemeal solutions. Some would replace the program with a guaranteed annual income or a negative income tax scheme. Still others propose complete Federal control of the existing program, setting it up like the SSI program.

Critics of the AFDC program's ancillary Work Incentive (WIN) program have been especially adamant, challenging the concept of forced work in an economy that they see as geared to something less than full employment of all society's able-bodied members.

This chapter is based upon the Commission's Chicago hearings and followup interviews, the focus of which was more narrow: the effect of the existing AFDC program and its WIN component on low-income women. No attempt was made to analyze the broader proposals for reform. Rather, the effort was directed at assessing how the existing program might be modified to achieve its statutory aims.

## The Welfare System

> The answer, I think. . .is to provide [an AFDC] family with a decent standard of living so that the children can go to school, have decent health care, hold their heads up like anybody else, and participate in American society like anybody else, and so that they can get an education and be self-sufficient. That's what people want, that's what is needed.[1]

This view of the purpose of the Aid to Families with Dependent Children program was expressed at the Chicago hearing by a veteran social worker. It parallels the avowed congressional purpose for the creation of the program:

> to [encourage] the care of dependent children in their own homes or in the homes of relatives by enabling each State to furnish financial assistance and rehabilitation and other services, as far as practicable under the conditions in such State, to needy dependent children and the parents or relatives with whom they are living to help maintain and strengthen family life and to help such parents or relatives to attain or retain capability for the maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection. . . .[2]

What began as one part of the New Deal's social welfare package is now a multibillion dollar support system primarily for fatherless households. In fact, more than 75 percent of the program's recipient families are female headed.[3]

The AFDC program is jointly funded from Federal and State revenues. The level of Federal participation varies from 50 percent to 83 percent depending upon the per capita income in each State.[4] As a prerequisite to Federal aid, each State must submit a plan setting out the way in which it will administer the program within its boundaries. At a minumum, the plan must specify:

(1) That it will be in effect in all political subdivisions of the State;

[1] Sister Julia Huiskamp, supervisor of family services, Marrilac Social Center, testimony before the U.S. Commission on Civil Rights, hearing, Chicago, Ill., transcript, vol I, p. 38 (hereafter cited as Hearing Transcript).
[2] Social Security Act of 1935, as amended, 42 U.S.C. §601.
[3] U.S., Department of Health, Education, and Welfare, Social and Rehabilitation Service, "The Typical Family Compared with the AFDC Family" (July/August 1976), NCSS Report 76-02061.
[4] 42 U.S.C. §603.

(2) the mechanism by which a fair hearing will be provided for persons whose claim for AFDC is denied or is not acted on with reasonable promptness;

(3) that the earned income of a parent or other adult relative whose needs are considered in determining the amount of the family's grant will be disregarded according to a statutory formula;[5]

(4) that all individuals wishing to apply for AFDC will be permitted to do so, and that AFDC will be furnished with reasonable promptness to all eligible individuals;

(5) that, where the neglect or abuse of an AFDC child is suspected, the appropriate law enforcement agencies will be notified;

(6) that all AFDC family members not statutorily exempt will be required to register for employment; and

(7) that, as a condition of eligiblity, all AFDC recipients will be required to assign to the State any support rights they may have and will further be required to cooperate in establishing support rights (e.g., in establishing paternity).[6]

If a State's AFDC plan fails to incorporate these required provisions, or if the State fails to comply with its plan, Federal financial participation can be terminated.[7]

AFDC is available to any child[8] who is in need, deprived of parental care, or supported by virtue of the death or incapacity or continued absence from the home of one or both parents, and is living with a parent or one of the other relatives specified by the act.[9] AFDC is payable to the parent or caretaker relative as well. A State may have other eligibility criteria so long as they are not more restrictive than or in conflict with Federal requirements.[10] For example, some States provide AFDC to families where both parents are in the home but the father is unemployed.[11] (Appendix A shows which States were providing such benefits in 1974.)

States have a certain leeway in other areas in addition to requirements of eligibility. A primary function of the State is to set its level of assistance and there are no Federal requirements with regard to how the State determines the needs of its recipients or whether it sets its grants at less than the level of need it determines.[12] A State can also decide what services it will render to its AFDC recipients. The only statutory requirement is that family planning services be made available on a voluntary basis.[13] The actual operation of the AFDC program is handled by the States and their subdivisions (counties or districts). When an applicant or recipient deals with an agency regarding an AFDC grant, that agency is usually either a county department of social services (DSS) or a neighborhood district office of the DSS.

The fact that the day-to-day operation of the AFDC program is left to States means that questions of a State's compliance with its plan or with Federal regulations often arise at the local level. Testimony that in Chicago in 1974 the Illinois Department of Public Aid had been put under court order to process 95 percent of all AFDC applications within 30 days of the date of application[14] is indicative of one recurring compliance problem. Federal regulations now allow 45 days from the date of application for a determination of eligibility.[15] At the time of the entry of the court order in Illinois, the federally-imposed time limit was 30 days. Even after the order was entered, the State director of the department of public assistance admitted that the 30-day deadline was not being met in many instances.[16]

Illinois appears to have improved its performance in this area since both HEW compliance officials and

[5] The formula is as follows: the first $30 of gross monthly earnings is deducted; one-third of the remainder of gross monthly earnings is then deducted.

[6] 42 U.S.C. §602 sets out these and other requirements for a State plan.

[7] 42 U.S.C. §604.

[8] A "child" is one under age 18, or one between the ages of 18 and 21 who is regularly enrolled in a school, college, or vocational institute. 42 U.S.C. §606.

[9] 42 U.S.C. §606.

[10] *See, e.g.*, King v. Smith, 392 U.S. 309 (1968); Townsend v. Swank, 404 U.S. 282 (1971); Carleson v. Remillard, 406 U.S. 598 (1972).

[11] 42 U.S.C. §607.

[12] The only exception to the State's discretion in this area is 42 U.S.C. §602, which requires that, as of 1969, all States must have adjusted their levels of assistance to reflect changes in the cost of living. However, Rosado v. Wyman, 497 U.S. 397 (1970), makes it clear that this provision requires only the adjustment of *need* levels; there is no requirement that the actual payment levels be adjusted. *See also*, Jefferson v. Hackney, 406 U.S. 535 (1972), where a Texas scheme which set the percentage reduction for AFDC at a higher rate than for Aid to the Blind or Aid to the Disabled was upheld on the ground that the setting of need and assistance levels is a matter left almost entirely to the State's discretion.

[13] 42 U.S.C. §602.

[14] Jordan v. Swank, No. 71-C-70 (N.D. Ill., Feb. 4, 1972), *aff'd sub nom.*, Jordan v. Weaver, 472 F.2d. 985 (7th Cir. 1973); *rev'd in part sub nom.*, Edelman v. Jordan, 415 U.S. 651 (1974). Hearing Transcript, vol. I, pp. 247-48.

[15] 45 C.F.R. §206.10(a)(3).

[16] Testimony of Joel Edelman, State director of the Illinois Department of Public Aid, Hearing Transcript, vol. I, p. 90. For a current perspective on the Illinois Department of Public Aid, see letter from Arthur I. Quern, acting director, Illinois Department of Public Aid, to Richard Baca, General Counsel, U.S. Commission on Civil Rights, June 1, 1977, attached as appendix B.

social workers agree that rarely now is the 45-day limit violated.[17] This may be due to a portion of the court's order that mandated a $100 cash bonus to any recipient whose eligibility was not confirmed within the 45-day period.[18] However, the failure to process applications within the prescribed time limits has been the subject of litigation in several other jurisdictions.[19] Compliance reports issued by the U.S. Department of Health, Education, and Welfare (HEW) frequently list a State's failure to comply with processing time limits.[20]

The importance of compliance with the processing deadline is illustrated by testimony that, in Illinois, where the deadline was not being met, the emergency or interim assistance that was supposed to be available to "presumptively eligible" applicants was not always provided.[21] Other agencies in the community were called upon to furnish emergency assistance, pending action on the AFDC application, and in doing so, resources that should have been available to nonwelfare recipients were diverted:

> I would say that our [Marillac Social Center] major thrust is not the provision of emergency hard services. Our major thrust is casework, counseling, advocacy work—trying to catch those people who fall through the cracks, who just somehow don't meet [the requirements for] this program or that program. We are really not funded to handle this large volume of emergency service, which we feel should be handled through the public agencies.[22]

Emergency assistance in Illinois is even more limited today than at the time of the 1974 hearings. Because of litigation surrounding the appropriations for certain items in the emergency program, Illinois has chosen to limit emergency assistance to a solely State-funded program (hardship program) that provides assistance only in a few catastrophic situations such as fire.[23]

Unless applications are processed promptly, AFDC recipients may lose forever the money that otherwise would have come to them. A recipient cannot compel a welfare department to make retroactive payments, no matter how long the department delays in processing applications and determining eligiblity for AFDC. The Supreme Court has held that the 11th amendment to the Constitution (the 11th amendment immunizes States from all lawsuits brought by citizens unless the immunity is waived) bars such payments unless the State consents to make them.[24]

Questions of compliance are not limited to the processing of applications, however. According to Catherine Jermany, a former coordinator of the National Welfare Rights Organization Legal Committee, persons in California wishing to apply for assistance were not given an opportunity to apply on the same day on which they first requested assistance, so that the 30-day processing period did not begin to run until a later visit to the local office.[25] Although a Federal regulation requires that one seeking assistance be afforded the opportunity to apply without delay,[26] that regulation has not always been followed.[27] Furthermore, the requirement that the applicant verify certain eligibility factors (e.g., marital status, place of birth) often creates delay in processing the application and, according to testimony, occasionally results in a determination of ineligibility.[28] One witness testifying in Spanish told the Commission that she was not allowed to apply for assistance when she first went to the Cook County Department of Public Aid because she was Spanish speaking and there were no workers there who were able to serve as interpreters:

> Well, when I went there, the lady, the receptionist. . .spoke only English. Then, they sent

[17] Clyde Downing, Assistant Regional Commissioner for Family Assistance, Social Security Administration, staff interview, June 1978; Sister Julia Huiskamp, Director of Family Services, Marillac Social Service Center, staff interview, June 1978; and P.G. Fahardo, Supervisor, Spanish Community Relations Unit, Illinois Department of Public Aid, staff interview, May 1978.

[18] Custom v. Trainor, No. 76C354 (N.D. Ill. E.D.).

[19] Like v. Carter, 448 F.2d 798 (8th Cir. 1971), *cert. denied*, 405 U.S. 1045 (1971); Class v. Norton, 376 F. Supp. 496, 507 F.2d 1058 (2d Cir. 1974); Barnett v. Lindsay, 319 F. Supp. 610 (D. Utah, 1970).

[20] Hearing Transcript, exhibit 9, compliance reports for California, Delaware, Indiana, Minnesota, Texas, and Virginia, Jan. 1, 1973; compliance reports for California, Delaware, Indiana, Minnesota, and Texas, July 1, 1973.

[21] Testimony of Joel Edelman, Hearing Transcript, vol. I, p. 96.

[22] Testimony of Sister Julia Huiskamp, Hearing Transcript, vol. I, p. 36.

[23] Downing and Huiskamp interviews.

[24] Edelman v. Jordan, 415 U.S. 651 (1974). Cf. 45 C.F.R. §206.10, which requires that a State plan include provision for the payment of benefits retroactive to 30 days from the date of application. If a State fails to make retroactive payments, a compliance issue is raised which could lead HEW to threaten a cutoff of Federal funds. However, Edelman v. Jordan prohibits a recipient from suing to force the payment of these benefits.

[25] Testimony of Catherine Jermany, a former coordinator of the National Welfare Rights Organization Legal Committee, Hearing Transcript, vol. I, p. 119.

[26] 45 C.F.R. §206.10.

[27] *See*, e.g., Perez v. Lavine, 412 F. Supp. 1340 (S.D. N.Y. 1976); Alexander v. Hill, 74–183 (W.D. N.C., Aug. 13, 1975).

[28] Testimony of Rosa Lee, AFDC applicant, Hearing Transcript, vol. I, p. 21.

> for another person who spoke Spanish, and then, when I had my first interview, the lady was American. So I could hardly understand what she was saying. Then they brought again the same person who interpreted for me before, and they gave me another appointment for some days later.[29]

When the applicant returned to the department a second time, she was denied assistance because she could not account for her husband's whereabouts.

> [w]hen I returned the second time for the next appointment a Spanish-speaking person interviewed me. . . . After he questioned me to fill out the requisites, he wanted to know where was my husband working and where was he living. I told him that he had left the house and I didn't know anything of his whereabouts. He replied that, if I could not provide him with that information, there was nothing that he could do for me because he didn't give me further appointments or anything else.[30]

Joel Edelman, then State director of the department of public aid, testified at the hearings that verifying birth records was sometimes so difficult that his office had issued a policy statement that no needy person be denied assistance while the department was attempting to verify birth and citizenship records.[31] According to welfare rights workers, however, the department resumed its requirements for verification shortly after Mr. Edelman's testimony. Verification of birth and citizenship records remained a problem in 1978.[32]

Another recurring compliance problem that arises at the State or local level is the failure of the administering agency to provide an applicant or recipient with a hearing when aid is denied, reduced, or terminated. Federal regulations require a hearing with full procedural protections (i.e., adequate notice of the reasons for the agency action, an opportunity to appear before an impartial person to present evidence and cross examine any adverse witnesses, and the right to be assisted by counsel).[33] Nonetheless, compliance reports compiled by HEW indicate that during 1973 questions were raised in 19 States concerning whether the fair hearing procedures satisfied Federal mandates;[34] more recent reports show this to be a continuing compliance issue in several States.[35] Several States failed to provide assistance at the prenotice level between the time the notice of proposed action was sent to the recipient and when the recipient was afforded a hearing.[36] Federal regulations issued after the Supreme Court's decision in *Goldberg* v. *Kelly* make it illegal for a State to discontinue assistance prior to a requested fair hearing.[37] Other States failed to comply with the Federal regulation requiring them to render a decision within 60 days of the request for hearing.[38]

Testimony by HEW officials responsible for monitoring compliance for the region of which Illinois is a part indicated that Illinois failed to comply with the 60-day requirement until December 1973.[39] The importance of a State's failure to comply with the 60-day time limit is apparent from the predicament of an applicant who is denied assistance erroneously and who must do without the assistance to which she or he is entitled pending a reversal of that decision after a fair hearing where the applicant can demonstrate eligiblity.

Catherine Jermany testified that welfare recipients are reluctant to use the fair hearing mechanism for fear that, if unsuccessful, they will have to repay any sums received prior to the hearing. Recipients, she said, also fear that the hearing will result in public disclosure of confidential information about their personal lives. She also noted that the notice of proposed reduction or termination often does not explain the right to a hearing or the reasons for the proposed change.[40] Another welfare rights worker said that in the 10 years she has been involved with the public aid system, the number of clients who were willing to undertake appeals has remained

[29] Ibid.
[30] Ibid.
[31] Testimony of Joel Edelman, Hearing Transcript, vol. I, p. 97.
[32] Rebecca Cruz, Associate Director, American Spanish Institute, staff interview, July 1978.
[33] 45 C.F.R. §205.10.
[34] *See*, e.g., compliance reports for Arizona, California, Connecticut, Delaware, Georgia, Illinois, Indiana, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Vermont, Washington, and Wisconsin, Jan. 1, 1973; compliance reports for Arizona, California, Connecticut, Georgia, Illinois, Indiana, Michigan, Minnesota, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, and Washington, July 1, 1973 (Hearing Transcript, exhibit 9).
[35] *See*, e.g., compliance report for New York, July 21, 1976; Minnesota, June 25, 1976; and Ohio, June 28, 1976; filed with HEW in the Division of Social and Rehabilitation Services (Hearing Transcript, exhibit 9).
[36] *See*, e.g., compliance reports for Oregon, New Jersey, Illinois, and North Carolina, Jan. 1, 1973 (Hearing Transcript, exhibit 9).
[37] Goldberg v. Kelly, 397 U.S. 254 (1970); 45 C.F.R. §205.10(a).
[38] 45 C.F.R. §205.10(a)(1)(B); the time limitation has been extended from 60 to 90 days. *See*, e.g., compliance reports for Illinois, Indiana, Minnesota, New Jersey, New York, and Ohio, Jan. 1, 1973 (Hearing Transcript, exhibit 9).
[39] Testimony of Helen Cooper, Associate Regional Commissioner for Assistance Payments, HEW, Hearing Transcript, vol. I, p. 59.
[40] Testimony of Catherine Jermany, Hearing Transcript, vol. I, pp. 132–33.

constant—despite notices of rights and efforts on the part of welfare rights organizations. Moreover, she noted, out of 1,500 appeals in which she has been involved, the client lost only 5 times—a telling statistic regarding the value of an appeal to the client.[41]

Gloria Cerda, a former case manager for the Cook County Department of Public Aid and, at the time of the Chicago hearings, the director of an after-school program in the Latino community in Cook County, said that AFDC recipients were discouraged from seeking a fair hearing:

> As an employee of the public aid department, you are told that the person has a right to a fair hearing; yet people are intimidated or discouraged into not asking for a hearing, not appealing. Just before I left the department, there was a small meeting with various supervisors saying that we were to try to talk the client out of an appeal. . . . I was told that if a person insists to appeal, then I should refer them to the supervisor and, if he still insists, refer him to the assistant district office supervisor. I asked the question, "why" They said appeals cost a lot of money.[42]

These problems, which are caused by a State's failure to comply with Federal regulations, are compounded when the AFDC applicant or recipient does not speak English. These applicants and recipients are often confronted by the lack of bilingual staff and the unavailability of bilingual forms and other informational material, according to testimony at the Chicago hearing.

Availability of printed bilingual notices, forms, and application material appears to have improved since the 1974 hearing.[43] Again, this may have resulted from a court order that provided extensive relief to assist Spanish-speaking clients and applicants.[44] While AFDC cannot be denied an applicant solely on the basis of lack of citizenship,[45] there is no requirement that information be provided to applicants or recipients in any language other than English or that the service provided to AFDC families be rendered by agency employees familiar with the language and culture of recipients.

Rebecca Cruz, who was executive director of a family service agency for the Latino community in Cook County at the time of the Chicago hearings, testified that, of the approximately 5,800 workers employed by the Cook County Department of Public Aid in 1974, only 80 (less than 1.5 percent) were Spanish speaking.[46] Joel Edelman, then director of the Illinois Department of Public Aid, admitted that the number of Spanish-speaking employees in areas with large Spanish-speaking communities was inadequate.[47] He also agreed with other witnesses that the department's efforts to translate notices and informational material into Spanish had not been extensive.[48] One example of the inadequacy of the translation effort was that a form sent to all recipients by the State department requesting information for the periodic redetermination of eligibility was in English only. The form contained an instruction that if it was not returned to the department within 10 days the department would assume that AFDC was no longer needed by the recipient.[49]

The *Perdono* case and the department's compliance with the court's order have eliminated the particular problem of written communications. However, there continue to be problems of communications with Spanish-speaking clientele that frequently result in erroneous terminations or reductions of assistance:

> [T]he biggest problem which the Latino welfare recipient has is communication. I encountered, while working with the welfare rights group, thousands of cases that were gotten off the rolls by mistake because the welfare worker thought she was saying one thing and the lady was saying another. And I have found a lot of cases where they're being given less money than they were entitled to because of not understanding. And a lot of cases where they didn't even request what they were entitled to because they did not understand how to communicate with the workers.[50]

Illustrative of this failure to communicate was the plight of one applicant who spoke no English and did not understand from the receptionist, who spoke no Spanish, that he was to take a number, be seated,

[41] Cruz interview.
[42] Testimony of Gloria Cerda, afterschool program director, Caza Aztlan, Hearing Transcript, vol. I, p. 49.
[43] Fahardo interview.
[44] Perdono v. Trainor, 74C2972 (N.D. Ill. E.D.), decided Oct. 26, 1976.
[45] Graham v. Richardson, 403 U.S. 365 (1971).
[46] Testimony of Rebecca Cruz, executive director, Casa Central, vol. I, p. 41.
[47] Testimony of Joel Edelman, Hearing Transcript, vol. I, pp. 84, 85.
[48] Ibid., pp. 85, 99.
[49] Ibid., p. 85.
[50] Testimony of Rebecca Cruz, Hearing Transcript, vol. I, pp. 40–41.

and wait for his number to be called for an interview. He sat in the waiting area all day waiting for an interview.[51]

There are also no interpreters provided for the periodic eligibility reviews conducted by the department. Rebecca Cruz related an incident in which one Spanish-speaking recipient was summoned by letter to the medical unit. In noting that the recipient had to rely on her young daughter to interpret, Ms. Cruz said:

> [T]hey don't have a single person [in the medical unit] that speaks Spanish. So it said, in very bad Spanish in the letter, [to] please bring an interpreter. So the recipient had to take a 7-year-old daughter, and even what the daughter had interpreted to the recipient, I said was inaccurate. The daughter interpreted to her mother that the doctor said that her eyeglasses that they had gotten from her doctor 2 weeks ago was no good. I said to the mother, "Are you sure that's what they told you?" She said, "That's what my daughter explained to me." A 7-year-old that had to stay away from school to go with her mother to interpret while she was getting a medical test from the department.[52]

A Spanish-speaking recipient who was given a hearing on the issue of her grant amount believed after the hearing that she had been granted a divorce. Her confusion resulted from the fact that no interpreters were provided for fair hearings.

According to Ms. Cerda, a former case manager, recipients who did not speak English were often suspected of fraudulently obtaining AFDC benefits, when, in actuality, information supplied to the department through an interpreter had been erroneously translated:

> Nine times out of 10 it is misinterpreted. Many cases I have found that were misinterpreted were at times taken as fraud cases. They said, "He lied the last time he came in. He said this to me." And I questioned, "Did he say it directly to you or through an interpreter? Was it a child? Was it a stranger? Who was it?" That's how I would determine whether or not that case was fraudulent: Did the person fully understand you?[53]

She recalled one attempt to communicate with Spanish-speaking clients through posters in the waiting room. The effort was thwarted by a supervisor who removed the signs, claiming that they were discriminatory because the same information was not provided to those who spoke languages other than Spanish.[54]

Although the number of Spanish-speaking personnel employed by the department has increased, often caseworkers speak a "textbook Spanish" that fails to achieve understanding and good communications.[55] Ms. Cruz, a welfare rights worker, noted that in 1978, even with available translation of notices and written communications, caseworkers often fail to send Spanish-speaking recipients the proper translation, and that interpreters are frequently not available in public aid offices because they also have duties which prevent them from being accessible to the client.[56]

The problems that Cook County's non-English-speaking applicants and recipients face are not unique. Alicia Escalante, chairperson of the Chicano Welfare Rights Organization, spoke of similar problems in California:

> Some districts have little or no bilingual staff and use translated forms at their own discretion, causing denial of assistance and service to the non-English-speaking person.
>
> Non-English-speaking people are signing forms they can't begin to understand and [are] urged to do so by a non-Spanish-speaking worker. A Spanish recipient goes into the welfare department asking for assistance and is asked to go back and bring someone with them to interpret for them. The departments are there to render a service and to supply a Spanish-speaking worker should be one of those services.[57]

Although the problems of bilingual recipients may be difficult to resolve under current Federal regulations, other problems are supposed to be corrected by Federal monitoring. HEW is vested with monitoring responsibility,[58] but according to testimony of HEW officials, two obstacles prevented them from securing full State compliance with State plans and Federal regulations. First, the department lacked

[51] Testimony of Gloria Cerda, Hearing Transcript, vol. I, p. 44.
[52] Testimony of Rebecca Cruz, Hearing Transcript, vol. I, p. 41.
[53] Testimony of Gloria Cerda, Hearing Transcript, vol. I, p. 47.
[54] Ibid., p. 44.
[55] Fahardo interview.
[56] Cruz interview.
[57] Testimony of Alicia Escalante, chairperson, Chicano Welfare Rights Organization, Hearing Transcript, vol. I, pp. 123–25. However, the State of California indicates that it has "made substantial progress in reducing the incidence of problems" in this area. William D. Dawson, chief, AFDC program management branch, State of California Health and Welfare Agency, letter to Richard Baca, General Counsel, U.S. Commission on Civil Rights, June 3, 1977. See appendix C.
[58] 42 U.S.C. §§603,604; 45 C.F.R. §201.6.

sufficient staff to investigate State compliance adequately. One official testified that she was not sure whether the Illinois department was in compliance with the requirement that AFDC applications be processed within a 30-day period because she had not had sufficient staff to investigate:

> I have not had the staff to perform monitoring. I have had three changes of staff assigned to Illinois in [the period from December 1970 to the middle of 1971]. And we carry a very heavy load in the region. We have six States that are as large as any State you want to find in this country, which have, I sometimes think, three times as many problems, and with only five program specialists assigned to work with them. So that it's almost impossible to do the kind of monitoring [that] I think we are supposed to do, that we are required to do, and that we want to do.[59]

Secondly, the only real weapon HEW has with regard to enforcement is to terminate Federal financial assistance.[60] However, because of the drastic consequences such action would have on AFDC recipients, that weapon is not used. Instead, HEW attempts to negotiate compliance, and, according to testimony of HEW officials, the negotiation process is frequently tedious.[61] For example, the fact that the Illinois department was not holding fair hearings nor issuing decisions within the 60-day statutory period was noted on HEW compliance reports from December 1970 until December 1973.[62]

If compliance cannot be compelled through negotiation, the issue is referred to HEW in Washington for further action:

> It is our further responsibility then. . .to negotiate to the very best of our ability with the State agencies toward the resolution of questions that have been raised in respect to compliance. Only when we are at an impasse, so to speak, with a State agency and have exhausted all of our potential for remedying or resolving the issue would we escalate that to Washington.[63]

If agreement cannot be reached after conference between State and Federal officials, the State is given notice that Federal assistance will terminate unless its procedures are brought into compliance with Federal regulations; the State has the right to a hearing at this stage.[64] According to the testimony of Ralph Abascal, a welfare rights lawyer, in the few instances in which conformity hearings have been called by HEW, the States involved have finally taken action to avoid the cutoff of Federal funds:

> In 1970. . .[HEW] called seven conformity hearings involving 39 issues of nonconformity. . . . Those States involved Nevada and Missouri, which both caved in before the hearing was held. They complied. California, Nebraska, and Indiana, after the hearing and after the determination of nonconformity and the order that Federal funds would be partially cut off in one case, totally cut off in two. . .all caved in. After the hearing and after the finding, Connecticut and Arizona appealed to the respective courts of appeal and lost, and also the Supreme Court and lost, and then complied. No funds were ever cut off.[65]

In spite of eventual compliance that can be compelled by the power of the Federal Government's monitoring process, many of the problems encountered by AFDC recipients in the application process and with the fair hearing mechanism clearly stem from inadequate and too-lengthy Federal compliance efforts. Although there has been some reorganization of the Federal compliance process since the 1974 hearing, the same criticisms of the process are valid today, according to the Federal official in charge of compliance for the Chicago regional office. "No more is happening today than was happening at the time of the hearing."[66]

By contrast, other problems inherent in the AFDC program are caused by the absence of Federal control. A primary area where Federal control is absent is in the State's determination of the amount of money it will supply AFDC recipients. States have almost absolute discretion in determining the amount that an AFDC family needs to live on (the need level) and the amount of money the family will actually receive (the grant level). Mr. Abascal pointed out the disparity that results from this broad discretion:

> [T]he standard of need consists of determination by a State of minimal needs for subsistence. Now one of the basic problems with that is that

[59] Testimony of Helen Cooper, Hearing Transcript, vol. I, pp. 60–61.
[60] 42 U.S.C. §604; 45 C.F.R. §213.32(a).
[61] Testimony of Clyde Downing, Acting Regional Commissioner, HEW, Hearing Transcript, vol. I, pp. 55–59; Cooper testimony, vol. I, pp. 59–60.
[62] Cooper testimony, vol. I, p. 60.
[63] Downing testimony, vol. I, p. 55.
[64] 45 C.F.R. §213.1 *et seq*.
[65] Testimony of Ralph Abascal, Legal Assistance Foundation, San Francisco, Calif., Hearing Transcript, vol. I, p. 114.
[66] Downing interview.

there is no Federal requirement as to its content. For example, a State can legally determine that a family does not need money for food or, to make it a little more understandable because that sounds a little absurd, there is no requirement that the standard, the amount provided for food or for rent, have any relationship to the actual pricing in the marketplace, so that you have considerable variations in the standard of need and it really becomes essentially nothing but a figure. It does not really represent what is necessary to live on. . . . It varies from figures as high as $400 in some States to figures at $200 or below $200 [per month].[67]

A survey taken by Commission staff of the need and grant levels for several States shows a marked disparity in AFDC grants among the States (see appendix D). Testimony at the 1974 hearings also revealed a similar disparity: Mississippi determined that a family of four needed $351 per month but the State only paid $50 a month to that size family; New Jersey paid $324 a month to a family of four; Delaware, $152;[68] and Indiana, $147.[69] A recipient of AFDC in Illinois in 1974 received $288 per month for a family of four.[70]

Illinois converted from a consolidated grant to a flat grant in 1973. Unlike a consolidated grant, which takes account of actual or projected costs for food, housing, transportation, school, and medical expenses, a flat grant is calculated by family size and the area in which the family lives. In Illinois the need levels for the flat grant system were determined by including the cost of basic items such as rent, food, and clothing in 1969[71] and increasing those costs by 6 percent.[72]

There was a great deal of testimony with regard to the inadequacy of the flat grant in Illinois. Sister Julia Huiskamp of the Marillac House in Chicago observed that:

> [The AFDC check of $288 for a family of four] does not go very far when rent, even in the most vile rat-infested apartments that would be large enough to take care of four people, the fuel, rent, and lights costs would be at least $110 to $120 a month. And that would be the worst place you could find. After the food stamp allotment is taken out, there is practically nothing left for anything else.[73]

In her experience, the cost of utilities, especially in substandard premises, could be exorbitant:

> In the wintertime in Chicago when it gets down to 20 below and you live in a broken down old flat, and you don't have any storm windows and you probably are using a space heater, and you've got the eyes [burners] on your stove going and your oven door open, and you're huddled around the kitchen just trying to barely keep warm, your gas bill is probably $65 a month.[74]

One AFDC recipient testified that the $237 per month she received for herself and her two children was insufficient to purchase adequate clothing for the family; she also testified that she sometimes ran out of food before the end of the month because she did not have the money to supplement her food stamp allotment.[75] A disabled nurse whose inability to work had forced her onto the AFDC rolls testified that often children of AFDC families dropped out of school because they were unable to pay certain required fees. She cited the consequences for these children:

> [M]any youngsters are ashamed of being on aid. They are made to feel like they and their families are something less than human. This again is another reason why we find a large percentage of our boys and girls who are, in fact, falling into the hands of persons who prey on their feelings of insecurity or their lack of being quite up to par with the others. And when I say people preying on them; you will find that these are people whom the dope pushers can get to, whom the gang leaders can get to, simply because they are the people who tell these dejected boys and girls that, "We care about you," when our system is saying to them, "We don't care."[76]

Although the Illinois payment scheme in 1974 provided for some emergencies (i.e., moving expenses, replacement of appliances and furnishings, school expenses), it did not to provide for one

[67] Abascal testimony, vol. I, p. 111.
[68] Ibid.
[69] Cooper testimony, vol. I, p. 76.
[70] Testimony of Rudy Mabry, director, Englewood Community Health Center, Hearing Transcript, vol. I, p. 26.
[71] According to 42 U.S.C. §602, no State is permitted to use pre-1969 cost-of-living figures in computing its assistance levels.
[72] Testimony of Joel Edelman, Hearing Transcript, vol. I, p. 94.
[73] Huiskamp testimony, vol. I, p. 31.
[74] Ibid.
[75] Testimony of Peggy Ballew, Wheaton, Ill., Hearing Transcript, vol. I, pp. 14, 15.
[76] Mabry testimony, vol. I, p. 30.

common emergency--stolen cash. The victim could only borrow funds against future AFDC payments.[77] No provision was made for victims to document their loss so as to be fully compensated by the replacement of stolen AFDC funds. This problem remained in 1978 although one aspect had been eliminated. Formerly it was common for public aid checks to be stolen from the mail. Now Illinois, at the client's option, will send the aid check to a currency exchange where the recipient can directly receive the cash.[78]

Emergency assistance, or rather the lack of emergency assistance, has become an even more crucial issue in Illinois today, as noted earlier in this report. Emergency assistance is virtually unavailable for all but the most catastrophic situations.

In addition to the complaints that the flat grant system was based on outdated calculations of the cost of living and that the levels of assistance were inadequate, the system was criticized for its failure to provide for regular cost-of-living increases. An example provided by Ralph Abascal shows the problem when grants are not updated regularly: Since 1951 California increased its allotment for rent by 32.8 percent; however, as of the time of the 1974 hearings, the cost of living had increased by 71.4 percent, so that AFDC recipients were really worse off than in 1951.[79] In a 1978 followup interview, Sister Julia Huiskamp noted that there had been no increase in the Illinois flat grant since the time of the hearing even though the cost of living had risen an estimated 30 percent for the basic needs of food, fuel, and utilities. There was a legislative proposal to increase the flat grant in Illinois by 5 percent. It was anticipated that this increase would pass by the fall of 1978. According to Sister Julia, however, this increase "is a cop-out. . . it still leaves public aid recipients 25 percent worse off than in 1974."[80]

Another problem which results from the absence of Federal guidelines is that workers assigned to render services to AFDC families are often so overworked that it is impossible for them to be of real assistance. According to Rosann Lo Sasso, then a Cook County caseworker for the department of public aid, some caseworkers in Cook County were assigned to serve 600 to 800 families; the medical assistance unit in her office, she said, had one worker handling 980 families. She herself was carrying a caseload of 200 families. In addition, two special projects were taking a great deal of her time: documenting the financial status of some 16,000 food stamp recipients (a 2-month project) and visiting homes and redetermining the eligibility of approximately 10,000 recipients by the end of July 1974.[81]

Another witness, Gloria Cerda, said that these heavy caseloads prevented workers from effectively assisting clients:

> You don't get a chance to know the clients, to really gain the confidence that our caseworkers should gain from clients, so that she will let you know her problems, her really deep problems. I think that with the paperwork and the kind of caseload that the workers have, it's an impossibility to really know your caseload.[82]

Ms. Lo Sasso cited frustration, low morale, lack of opportunity for career advancement, and no on-the-job training as obstacles to the delivery of services to AFDC families.[83] Currently, there are no Federal requirements that States include caseload limitations or education and training requirements for caseworkers in their State plans. Another significant problem that may result from heavy caseloads and caseworker frustration is a 55 percent attrition rate in the department of public aid. This was cited by the Federal administrator in charge of compliance for Illinois as a major factor contributing to a program that is almost impossible to administer.[84]

In view of the problems caused for AFDC recipients by the failure of Federal officials to monitor State plans for compliance with Federal mandates, and by the total absence of Federal guidelines in the areas of assistance levels and casework services, how effectively does the AFDC program carry out its avowed purpose—to "help maintain and strengthen family life and. . .help. . .parents or relatives to attain or retain capability for the maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection. . . ."?[85] Testimony from the Chicago hearing belies any assertion that these ends are accomplished. The local social services agency is viewed by many recipients as an antagonist. One welfare

[77] Edelman testimony, vol. I, pp. 90-91.
[78] Huskamp interview.
[79] Testimony of Ralph Abascal, Hearing Transcript, vol. I, p. 112.
[80] Huiskamp interview.
[81] Testimony of Rosann Lo Sasso, caseworker, Cook County Department of Public Aid, Hearing Transcript, vol. I, pp. 413-16.
[82] Testimony of Gloria Cerda, Hearing Transcript, vol. I, p. 42.
[83] Testimony of Rosann Lo Sasso, Hearing Transcript, vol. I, pp. 416, 417.
[84] Downing interview.
[85] 42 U.S.C. §601.

rights worker testified that she was aware of instances in which AFDC applicants were told that, if they refused family planning services or forced sterilization, they would be ineligible for assistance.[86] Federal regulations require that a State plan include provision for voluntary family planning services,[87] but refusal of the services cannot legally be a basis for denial of aid. Another welfare rights worker complained that in one State (Colorado), mothers could lose temporary custody of their children without notice or a hearing or the assistance of counsel when a social services worker instituted a juvenile court proceeding.[88] Again, Federal regulations require that a State plan include a provision that, where the neglect or abuse of an AFDC child is suspected, the proper authorities be notified.[89] What constitutes neglect or abuse is not defined, however, so that cultural or economic differences could lead a department worker unfamiliar with the differences to conclude that a child was being improperly cared for, which could lead to the institution of juvenile court proceedings.

A former AFDC recipient complained of a requirement that she attempt to obtain support from her absent husband as a prerequisite to aid, even though the State would not make any real effort to locate the husband or compel him to support his family:

> I was told by the State's attorney that [my husband] could be living down the street from me and they wouldn't be able to find him. . . . I am kind of helpless; I got four children to take care of. I can't go wandering all over the place looking for him.[90]

Current Federal regulations require that an AFDC recipient cooperate with the social services department in obtaining support and that all support to which the recipient is entitled be assigned to the State.[91] If this new Federal effort is successful in locating deserting parents and obtaining support from them, this problem may be alleviated. It appears that Illinois has some distance to go, however, before success is achieved. In 1977 Illinois recouped $11 million in payments from deserting parents. According to department employees who operate this program, Illinois should be collecting in excess of $65 million. They cite inadequacies in both State and Federal locator services and laxity on the part of the State in enforcing orders as the main reasons for this situation.[92] The question therefore remains whether the invasion of recipients' privacy to inquire into the status of their marital relationship and the paternity of their children can be justified.

Nadine Taub, then professor of law at Rutgers University specializing in poverty law, pointed out an even more blatant invasion of privacy. She related an incident where a recipient was forced to sign an affidavit that she would not receive "gentlemen callers" at her home or meet them under any "improper" conditions.[93]

Feelings of antagonism created by such incidents are heightened by an adversary role that local departments are forced into by Federal regulations. Local departments are responsible for performing "quality control" functions—a random sampling of active cases to assure recipient eligibility. A quality control investigation consists of a visit to the recipient's home, visits with collateral sources (landlord, child care facility, neighbors), and an income verification where appropriate.[94] If any eligibility problems are discovered in the random check, the recipient's grant can be recalculated, and, if the recipient was receiving too much money because of misrepresentation or misunderstanding of reporting responsibilities, the recipient may be accused of welfare fraud. Because the State cannot receive Federal reimbursement for most payments issued as the result of agency error, it is to the States' advantage to attribute the error to recipient fraud whenever possible.[95] The social services department functions in this area as an investigator of the client and, given any evidence of client dishonesty, the department can cause the client to be criminally prosecuted,[96] even though the former director of the Illinois Department of Public Aid estimated that

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[86] Testimony of Catherine Jermany, Hearing Transcript, vol. I, p. 120.
[87] 42 U.S.C. §602.
[88] Testimony of Maria Escalante, Hearing Transcript, vol. I, p. 125.
[89] 42 U.S.C. §602.
[90] Testimony of Kathi Gunlogson, Chicago, Ill., Hearing Transcript, vol. I, p. 19.
[91] The "IV-D" program was created by 42 U.S.C. §651, *et seq*.; implementing regulations are found at 45 C.F.R. §301 *et seq*.
[92] Morton Miller, Supervisor, and Michael Arendas, Assistant Supervisor, Municipal Court Unit, Illinois Department of Public Aid, staff interviews, May 1978.
[93] Testimony of Nadine Taub, professor of law, Rutgers University, Hearing Transcript, vol. I, p. 130.
[94] Edelman testimony, vol. I, p. 87.
[95] 45 C.F.R. §205.40-41.
[96] *See*, e.g., Illinois Public Aid Code, §§11-21.

recipient fraud accounted for only about 1 percent of the error rate for AFDC payments in Illinois.[97] A welfare rights worker testified that one cause of AFDC payment errors was that social service workers failed to note changes when they were properly reported by recipients or failed to advise recipients of the necessity to report changes in their circumstances:

> We had one lady who was 65, who was paying $65 a month rent living in a house by herself. She got too old and she moved in with another family. She still continued to pay $65 a month rent, but because the rental allowance for shared shelter was $45 a month, she was overpaid $20 a month for 13 months, which means that she had no way of knowing that. She reported to the welfare department that she was paying the same identical rent.[98]

Even though most payment errors are caused by agencies,[99] local departments are required to continue their quality control functions; the image of the department as an inquisitor may deter recipients from seeking services other than money from the agency. Illinois continues to rank number one in the Nation in the error rate of its AFDC caseload for the latest reporting period of January to June 1977. According to Clyde Downing, assistant regional commissioner for family assistance, this is Illinois' biggest problem.[100]

The adversarial role sometimes assumed by local departments is not the only obstacle to achieving the AFDC program's statutory aims. More significant is the adverse psychological effect of the program on recipients. A former welfare recipient testified at length concerning the effect of the welfare system on the children of recipients. She related that school children were admonished by teachers not to damage books because "your momma is on aid, you can't pay for it. . . ."[101] She told of children dropping out of school because they could not pay laboratory or gym fees:

> A youngster who does not pay his necessary fees, say his laboratory fee, is, in fact, told by the Chicago Board of Education that he is out of school until he can pay it, but the family has no funds to pay. The same thing with gym equipment, just gym shoes and gym suits—if the child does not have them he or she is, in fact, excluded from the Chicago public schools in this State. That is another reason why we have a large percentage of dropouts. Those boys and girls who drop out of school cannot find work because of their lack of formal education.[102]

Although the former director of the Illinois Department of Public Aid was aware of the problem of the availability of textbooks, he responded by suggesting that the fault lay with another State agency:

> There's pressure on us now to provide special allowances for schoolbooks for those children who are unable to buy schoolbooks where this is required by the particular school system. I feel that the office of superintendent of public instruction has a responsibility to provide money in their budget to pay for schoolbooks where indigency prevents individual families from providing those funds, and I think the route to go, and I am not passing the buck, is to make the school system more responsive to the needs of the poor family.[103]

Regardless of the agency at fault, the effect on a child forced out of school because of his or her inability to pay for textbooks is severe.

Professor Nadine Taub indicted the system for what she saw as its demeaning effect on women. She theorized that women on AFDC were made to feel inadequate because they had lost the support of the fathers of their children:

> I think that the AFDC system represents the situation where two of—to my view—the most pernicious prejudices in our society intersect. One is the view that the poor are not poor for any reason outside of themselves, that poverty is a matter of individual fault. The other one is a prejudice that women cannot function independently. They must be the little woman behind some man who's succeeding. I think when you put those two things together in the AFDC system, you come out with the belief that woman is a failure. She's in poverty because she's failed to keep her man. . . .[104]

She pointed out that detailed AFDC applications and eligibility review forms open up the woman's private life to the department in as intimate a way as it is traditionally opened to a husband. Professor Taub sees these assumptions and intrusions as a sexist

[97] Edelman testimony, vol. I, p. 104.
[98] Jermany testimony, vol. I, p. 122.
[99] Edelman testimony, vol. I, p. 88.
[100] Downing interview.
[101] Mabry testimony, vol. I, p. 30.
[102] Ibid.
[103] Edelman testimony, vol. I, p. 107.
[104] Testimony of Nadine Taub, Hearing Transcript, vol. I, p. 124.

statement that women are incapable of controlling their own lives.[105] In 1978 Sister Julia Huiskamp echoed Professor Taub's conclusions by noting that, from her experience, the "harassment and hassle" of the system is directed primarily at the mother, while other, more significant problems of fraud, in the medical program for example, are untouched.[106]

The Commission cannot determine to what extend sexism contributes to inadequacies in the AFDC program. Nonetheless, it is clear from the overall tenor of the hearing testimony that much reform is needed before the aims of the program—self-support, personal independence, family unity—can be a reality.

## The Work Incentive Program

The indictment of the AFDC program for its failure to effectuate its statutory aims can also be leveled against an adjunct of the AFDC program, the Federal Work Incentive or WIN program. WIN was created by the 1967 amendments to the Social Security Act to:

> require the establishment of a program utilizing all available manpower services, including those authorized under other provisions of law, under which individuals receiving aid to families with dependent children will be furnished incentives, opportunities, and necessary services in order for (1) the employment of such individuals in the regular economy, (2) the training of such individuals for work in the regular economy, and (3) the participation of such individuals in public service employment, thus restoring the families of such individuals to independent and useful roles in their communities. It is expected that the individuals participating in the program established under this part will acquire a sense of dignity, self-worth, and confidence which will follow from being recognized as a wage-earning member of society and that the example of a working adult in these families will have beneficial effects on the children in such families.[107]

As is the case with the AFDC program proper, the aims of the WIN program have not been achieved. Shortly after the program's inception, the original emphasis on training and counseling was replaced, with the Talmadge amendments of 1971, by an emphasis on immediate job placement.[108] The long-range goal of gainful and meaningful employment through job training and the sharpening of job skills was forsaken for the short-range goal of reduced welfare rolls. The Department of Labor's sixth annual report to Congress on WIN noted that:

> Central to the work incentive concept is an affirmation of the work ethic—that work is the acceptable means of maintaining livelihood. WIN introduces a discipline into the welfare system—that those supported by public funds and able to work must accept employment, or preparation for employment, when offered, rather than passively subsisting with public support.[109]

Juxtaposed with this policy and the program's requirement that, with few exceptions,[110] all AFDC recipients register for job placement as a condition of continuing eligibility for AFDC payments is the admitted difficulty in placing women in jobs that provide an alternative to welfare. About 75 percent of WIN registrants are women.[111] In fiscal 1973 (the first fiscal year of WIN's operation after the Talmadge amendments), there were 356,000 registrants; 249,500 (70 percent) were women. Yet, because WIN has a legislative priority for the placement of unemployed fathers, of the 34,300 persons who found jobs and were removed from AFDC, only 14,000 (or 41 percent) were females. The median entry wage for women placed in employment during this period was $1.87 an hour, compared with $2.58 for men. Women were placed primarily in service jobs (35 percent), in clerical positions (28 percent), or light factory work (16 percent).[112]

For fiscal year 1975, the statistics are equally bleak. There were more than 839,000 WIN registrants during that period, of whom 177,271 obtained employment. The average starting wage for male entrants was $2.94; about 44 percent were paid at least $3 an hour and over 14 percent earned $4 or

[105] Ibid., p. 131.
[106] Huiskamp interview.
[107] 42 U.S.C. §630, *et seq.*
[108] Regulations based on the 1971 amendments are found at 29 C.F.R. 56.1 *et seq.*
[109] U.S., Department of Labor, Employment and Training Administration, *WIN at Work, Sixth Annual Report to the Congress on Employment and Training Under Title VI of the Social Security Act* (1976), p. v. (cited hereafter as *WIN at Work*).
[110] Exemptions include age, health, disability, home responsibility, student status, or remoteness from project site. The "home responsibility" exemption is available only to the caretaker of a child under 6 years of age or of someone with a physical or mental impairment who requires constant care. 29 C.F.R. 56.20(b).
[111] *WIN at Work*, p. 19.
[112] U.S., Department of Labor, Employment Standards Administration, Women's Bureau, *1975 Handbook on Women Workers*, pp. 231-32.

more per hour. Women job entrants received substantially lower wages than men with an average hourly starting wage of $2.42; only about 15 percent earned $3 or more and only 3 percent earned $4 or more. Women were usually placed in clerical positions, sales and service jobs, and benchwork.[112]

The supervisor of a WIN office in 1978 indicated that the pattern holds true today. She noted that very few women who registered for WIN were "job ready" or had recent job experience. With few skills, the male job applicant will always fare better then the female because the man can at least do heavy physical labor, for which there usually is a demand.[114] The lack of child care was also cited as perhaps the major deterrent to full participation by women in the WIN program.

One explanation for the program's failure to place women in jobs that would alleviate intermittent dependence on the welfare system is the structure of the WIN program. The local WIN sponsor, generally an employment service,[115] has immediate access to job information. An AFDC recipient's initial contact with the WIN sponsor is with a placement officer who will determine the type of work to which the participant will be referred. Testimony indicated that some WIN placement officers were reluctant to place women in or train them for nontraditional jobs. An administrator of the Airco Technical Institute (Baltimore, Maryland), which trains welders, shipfitters, and burners, often works with WIN referrals. He noted that "there are some persons in WIN who feel these are not the kind of jobs for females."[116]

One witness, Dr. Louis Ferman, then of the Institute of Labor and Industrial Relations, University of Michigan, commented on the role of WIN's manpower services units:

> many manpower agencies are working with some outmoded assumptions. They assume that men are heads of households, and therefore, they should get certain kinds of jobs that pay higher wages. This is a stereotype you find very, very strong. They lose sight of the burgeoning divorce rate and desertion rate which has produced really many, many cases where women have became the household heads. . . . I think the second aspect of it is that we have perpetuated a kind of dichotomy between men's jobs and women's jobs which I really don't think has any basis in fact.[117]

Although Federal regulations governing WIN forbid discrimination based on race, creed, color, sex, or national origin,[118] the import of these regulations is often not understood by program administrators and workers. The following testimony from Steven Wilson, a former WIN job developer, is illustrative:

> Counsel. Are you provided any guidelines for obtaining full, equal access to jobs for women and men?
>
> Mr. Wilson. Our guidelines are that we cannot accept or write a job description which requests specifically men or women.[119]

Certainly the Federal proscription against discrimination is broad enough to cover even the most subtle sex-based distinctions, but the job developer's interpretation of the regulations is narrow. In his view, the only prohibited conduct is the explicit classification of jobs as "male" and "female."

One WIN counselor explained the lack of success in obtaining employment for women in nontraditional jobs by the refusal of employers and unions to accept women for training or placement in jobs not culturally defined as "women's work." Some employers, either aware of sex discrimination laws or embarrassed to admit prejudice, rationalize their refusal to employ women; the WIN staff counselor was told by an employer that he would not employ women in his business because his establishment had only one bathroom.[120]

Some WIN personnel think that employees are beginning to accept women more readily in nontraditional jobs, although the lack of emphasis on training in the WIN program in the past years works against women who might otherwise accept such work.[121]

The task of enforcing compliance with proscriptions against discrimination is delegated to the

[112] U.S., Department of Labor, *Employment and Training Report of the President* (1976), pp. 117-18.
[114] Isabel Tirado, Employment Services Specialist, Illinois Bureau of Employment Security, staff interview, July 1978.
[115] 29 C.F.R. 56.
[116] Testimony of James Etheridge, administrator, Airco Technical Institute, Baltimore, Md., Hearing Transcript, vol. I, p. 297.
[117] Testimony of Dr. Louis Ferman, Institute of Labor and Industrial Relations, University of Michigan, Hearing Transcript, vol. I, p. 165.
[118] 29 C.F.R. §56.36.
[119] Testimony of Steve Marlin, employment security manpower representative, WIN program, Chicago, Ill., Hearing Transcript, vol. I, p. 148.
[120] Testimony of Susan Wilson, employment security manpower representative, WIN program, Chicago, Ill., vol. I, pp. 143, 154.
[121] Tirado interview.

Illinois State Department of Labor. An Illinois compliance monitoring officer, Ashby Smith, explained that, in the case of sex discrimination, compliance efforts were minimal:

> Mr. Smith. The procedure is to report the incidence of discrimination to one's supervisor and not serve the job order. The supervisor's responsibility then is to conduct an investigation to develop one of two paths. One path is to try to bring the employer into a state of compliance by persuasion or we just turn off the job order all together and not service it at all. Then we put the employer on a restricted list so that we do not service him from any other part of the agency.
>
> Counsel. In addition, would you refer cases of that nature to the Illinois State Fair Employment Practice Commission or the Federal EEOC?
>
> Mr. Smith. No, we would not.[122]

Testimony by two WIN placement counselors illustrates the weakness of compliance efforts:

> Counsel. When you discover that there is some discrimination or that an employer refuses to take a particular individual because the person is either of the sex or race that they do not want, and they reject the person and send him back, what actions do you take? Do you report it to your fair employment practice commission? Or do you have them go to EEOC? Is there any special procedure you follow with this?
>
> Mr. Marlin. Not that I know of. None that I follow.
>
> Counsel. Would you have occasion to have anything to do with the rejection of employees or rejection of WIN placements? Do you have any special duties if a person is rejected by an employer?
>
> Mr. Marlin. No, I do not. The relationship after I have obtained the job then becomes one between the placement person and the employer. . . . There's never any discussion, of course, of sex or discrimination; I mean of color, sex, or whatever.
>
> Counsel. Do you give special guidance to your staff where there is a rejection of placement?
>
> Mr. Wilson Well, I sympathize.[123]

Another witness, a spokesperson for Better Jobs for Women, an organization in Denver, Colorado, which often places women WIN registrants, offered her view of the compliance effort:

> Counsel. Did you ever hear of a corporation or business saying, "We don't want a woman painter"? What do you do when they say that?
>
> Ms. Haskins. Oh, many times we have employers say, "Absolutely not, we'll not hire females to be truck drivers."
>
> Counsel. Then what do you do? What do you do when they say that?
>
> Ms. Haskins. We would cite to them the Executive Order 11246,[124] and many—you'd be surprised at those employers who don't even know what that order is.
>
> Counsel. Would you get any results?
>
> Ms. Haskins.. No, absolutely not. . . .
>
> Counsel. So it looks good on paper, but in actuality it doesn't amount to much?
>
> Ms. Haskins. That's correct. I had a case like that, in fact, in 1 day I had three employers tell me "absolutely not." One employer said [that he wouldn't hire a] female auto mechanic who had 2 years of experience because "she'll get too dirty." Well, she'd been used to getting dirty for 2 years but he said, "absolutely not." I said, "Don't you know about that Executive Order 11246?" He said, "No, what's that?" Then I told him what it was and he said, "I hire minorities all the time. All of my people are either blacks or Chicanos. But I don't have a woman."[125]

There was much discussion at the Commission's hearings about which of the foregoing problems contributed most to the failure of the WIN program. Whether the prejudices against women striving to support themselves and their families are individual, societal, or bureaucratic, the prejudices exist and they have not been dealt with. The WIN program

[122] Testimony of Ashby Smith, superintendent, Illinois State Employment Service, Hearing Transcript, vol. I, p. 184.

[123] Testimony of Susan Wilson, Hearing Transcript, vol. I, p. 159.

[124] Executive Order No. 11246 prohibits employment discrimination by Government contractors and subcontractors. *See*, 42 U.S.C. §2000e (notes).

[125] Testimony of Dorothy Haskins, Better Jobs for Women, Denver, Colo., Hearing Transcript, vol. I, p. 294.

has not afforded women that "sense of dignity, self-worth, and confidence" it was designed to afford.[126] Rather, it has been a vehicle by which women are kept in a low-wage economy—a "women's economy"[127]—so that their dependence on AFDC cannot ever be finally terminated.

[126] 42 U.S.C. §630.

[127] Testimony of Dr. Louis Ferman, Hearing Transcript, vol. I, p. 164.

Chapter 2

# Women and Employment

## Summary

Evidence presented at the Chicago hearings shows that working women suffer serious inequities in employment. Their wages are lower than those of men and their range of opportunities is more limited. Their access to jobs and training and promotion programs is restricted to separate and unequal job categories by sex. Although employers and unions expressed a willingness to change these patterns, the only evidence of substantial change has come from federally-required affirmative action plans.

Efforts by women workers to change such patterns have also contributed to a changing climate in the world of employment. However, the discriminatory patterns seem so widespread that these efforts only make headway where the threat of governmental action has provided underlying support.

Paid employment represents a substantial source of income to women and their families. Seventy-five percent of all working women hold full-time jobs, and 90 percent of all women work during some portion of their lives.[1] Between 1950 and 1977, the number of working women more than doubled.[2] In 1974, approximately 34 million women were 46 percent of all workers.[3] A large part of this increase has come from the greater participation of married women in the work force—from 15 percent of all married women in 1940 to 47 percent by 1977.[4]

Although work is a choice for some, many women work because they must. To the more than 21 million persons living in female-headed households, women's wages are crucial. In families where both spouses are present, a woman's earnings are a significant portion of the family income. In nearly half of the families in 1975 where both spouses were present, the wife's earnings were 25 to 40 percent of the family income.[5] In 1975, 13 percent of all families were female headed.

Despite this economic fact, a woman's paid employment, just like her unpaid labor in the home, has been given very low status. Sayings such as, "It's only women's work," do not necessarily mean that a low value is attached to the actual work performed (since the value changes if the same work is performed by men), but such sayings reflect the low status of women. Indeed, women are not distributed in the labor market based upon their ability to work nor do they receive pay equal to men for equal work. Jobs that are defined as "women's work" are not only considered low status but actually pay lower wages.

In the three decades since the end of the Second World War, women have become a significant economic force, but employment discrimination coupled with traditional notions of job categories have kept a disproportionate number clustered in low-paying, traditionally female occupations and have nearly excluded them from the skilled crafts.

[1] U.S., Commission on Civil Rights, *Women and Poverty*, Staff Report (July 1974), p. 13 (hereafter cited as *Women and Poverty*).

[2] "Women who head families, 1970-1977: their numbers rose, income lagged," *Monthly Labor Review*, May 1978, p. 32.

[3] "Marital and Family Characteristics of Workers, March 1977," *Monthly Labor Review*, February 1978, p. 51.

[4] Ibid.

[5] U.S. Department of Labor, Bureau of Labor Statistics, *U.S. Working Women, A Chart Book* (1975), part III.

## Goals of Working Women and Access to Jobs

Marilyn Beis of Evanston, Illinois, wanted to become a carpenter's apprentice:

> I actively began pursuing this interest in carpentry. . .several years ago. I merely sat down with myself. . .and thought, now, what do I want to do and what do I like to do? I decided that I liked to work with my hands; I liked to work outside; I liked to work in casual dress, and therefore, I decided I would like carpentry.[6]

As a child, Ms. Beis had watched her father and grandfather work as carpenters. However, like most females, she received little encouragement in pursuing a trade. As an adult, she applied to a carpenter's apprentice program and was accepted, "without a raised eyebrow," she says. The preapprenticeship program consisted of 12 weeks of training. She learned blueprint reading, mechanical and architectural drawing, and simple math. The training included a shop course and preparation for union membership and work experiences. After the course, her on-the-job training began with a contractor. Starting with simple tasks like screwing handles on kitchen cabinets, she has since learned such skills as putting paneling on walls, hanging doors, and working on scaffolding crews on new buildings—a level in the trade called "working in the mud." She does not mind the mud: "There's nothing offensive about that to me. I enjoy the work and that is part of the work. I just accept it as that."[7]

Ms. Beis, who is married and a mother, started as an apprentice at $4.25 per hour and can expect $9.65 an hour at the journeyman level.[8]

Gladys Henderson, who had "tried everything from working in laundries, insurance, working in bakeries, [and] oil companies," heard about Airco Institute, a welding school in Baltimore, Maryland. She took some math and reading classes and practice welding. This led to an apprentice job (a third class welder's apprentice earned $4.25 an hour) in the Bethlehem Sparrows Point Shipyard in Baltimore—a job that she enjoys: "I feel like. . .an artist. It's good to see your work being put up real nice and neat in a corner. It's not much, but it's mine, and I like what I'm doing."[9]

These two women found entry into a profitable line of work that suited them. Although the number of women who can make such choices is increasing, they are the exceptions. Traditional ideas of where women belong in the economy and patterns of employment discrimination have nearly excluded women from certain areas of employment (such as executive and managerial positions) and from the skilled crafts, which have been traditionally male dominated. Women have often been channeled (regardless of their inclinations) into lower paying, lower status jobs that men have not wanted, such as clerical and household work.

The concentration of women at the lower end of the pay scale occurs in most industries. The average salary for all industry workers was $189 a week in 1977. For those industries where most of the work force was female, the average weekly salary was less than $150. The service industry, which has a majority female work force, averaged $157 a week in 1977. Retailing paid $125 a week to mostly women workers. Male-dominated industries, such as construction ($297 average weekly wages), transportation and public utilities ($278), and motor vehicle retailers ($208) paid far better than any of the ones predominated by female employees.[10]

Even at the lowest wage levels, the opportunities open to women differ from those open to men and pay lower hourly rates. Officials of the WIN program who need to make immediate job placements for welfare recipients gave dramatic evidence of the difference in opportunities for women. Women who have no skills and a low educational level have to take jobs as assemblers or packers at minimum wage levels if they want to become employed at once. A man with equally little experience can get a general labor job that pays more.[11]

An employment security manpower representative told the Commission that:

> Where you have strong backs [it] sometimes makes a difference in what an employer wants to get with youth with no skill or very limited skills. You can get girls in assembly or packer jobs. It's an easier placement. They'll take a

[6] Testimony of Marilyn Beis, before the U.S. Commission on Civil Rights, hearing, Chicago, Illinois, transcript, vol. I, p. 276 (hereafter cited as Hearing Transcript).
[7] Ibid., vol. I, p. 277.
[8] Ibid., vol. I, p. 279.
[9] Testimony of Gladys Henderson, Hearing Transcript, vol. I, p. 278.
[10] U.S., Department of Labor, Bureau of Labor Statistics.
[11] Hearing Transcript, vol. I, p. 143.

> lower salary, no experience, or something like that.[12]

Consequently, the jobs with the lowest wage levels tend to have a predominantly female work force. In a study of the low wage market in Detroit in 1968, 80 percent of the workers were women. They were stable, full-time workers occasionally helped by welfare.[13] Dr. Louis Ferman, who conducted the study, believed that his findings were probably typical of many urban centers. In Detroit, these women were mostly black, thus bearing the weight of double discrimination.

When another manpower representative for WIN listed the job categories in which he placed welfare recipients in 1974, the differential was evident. Machine set operators ($3 an hour) were men; assemblers ($2.25 or 2.50) were women; dental lab technicians ($2.25) and nurses aides ($2 to $2.45) were mostly women; auto body repairers ($3) and welders ($2.50 and up) were men.[14]

Although the operation of the WIN program has shifted from the public aid department to the Illinois Bureau of Employment Security, the WIN program of 1978 is not greatly changed. The supervisor of a large WIN office in central Chicago stated that women with no skills are traditionally placed in jobs at the minimum wage of $2.65 an hour while men in the same situation are able to command $3.50 an hour.[15]

Although the WIN manpower representatives said that women on welfare often have less experience or education than the men at this level, employer preference and tradition seemed to play a greater role in segregating occupations. Dr. Ferman did not find that education made a difference in Detroit:

> Educational attainment has relatively little influence on the wages of these people. What I'm suggesting is, in the low-wage labor market, a high school diploma just doesn't count for much.[16]

Women are less able to take advantage of opportunities for higher paying jobs or job training. Frequently these opportunities exist in the suburbs where lack of transportation and inadequate child care prevent women from participating. A WIN supervisor cited the example of an electronics training program especially aimed at women that was able to attract only seven women although many more positions were available. The women were unable to relocate their families to the suburbs, and lack of transportation combined with child care problems prevented more women from training for a skill that promised to be highly paid.[17]

A traditional outlet for women, especially black women, with few skills and little education has been domestic service. Most domestics are 50 or more years old. They were not covered by minimum wage legislation until 1974 and cannot accumulate any security for their old age. According to Josephine Hulett, national field officer for the National Committee on Household Employment:

> We have people now past 65. . .15 percent [of the members] cannot retire. The only thing that they can do is die before retirement or die before getting ill because they don't have medical care, they don't have any retirement benefits, and you can't retire in this country without money.[18]

Although household work has been subject to social security tax deductions since 1951, the committee does not believe the law is being adequately enforced to benefit workers. The committee is attempting to improve the condition of household workers by increasing their awareness of common problems, creating training programs to upgrade the dignity and quality of the work, and providing a career ladder to household employees. The committee has also drawn up suggested contracts for employers and employees.

Such an organization of workers as this committee is attempting to achieve would seem to be the key to improving their working conditions. Dr. Ferman stressed the importance of labor organizations:

> Finally, let me make the point of what seems to be the strongest relationship. The women who were better off relatively in wages than other women were women who were in industries that were unionized.[19]

[12] Ibid.
[13] Hearing Transcript, vol. I, pp. 161, 168.
[14] Hearing Transcript, vol. I, pp. 149–50.
[15] Isabel Tirado, Employment Services Specialist, Illinois Bureau of Employment Security, staff interview, July 1978.
[16] Hearing Transcript, vol. I, p. 164.
[17] Tirado interview.
[18] Hearing Transcript, vol. I, p. 240.
[19] Testimony of Louis Ferman, Hearing Transcript, vol. I, p. 164.

Unions, he noted, are reluctant to organize low-wage women workers largely because of high organizing expenses and relative low returns for the unions. It is relatively easier to organize professional workers such as teachers, he said.

Mary Beth Guinan, a member of the Service Employees International Union, also stressed the same point:

> The women's fields are not organized and, therefore, they are low paid. The women don't have pensions; they don't have any of the fringe benefits.[20]

For men and women without a college education, one of the principal sources of high-paying work is the group of occupations known as the skilled trades, such as carpentry or welding. However, the principal gateway to the skilled trades—the apprenticeship programs—have been, on the whole, closed to women for a long time, just as they were for too long closed to minority persons.

Women did not apply to such programs in large numbers until the 1960s. Traditional views of what were proper pursuits for girls played a large part in foreclosing this career choice. School systems still to a large degree do not encourage girls to consider vocational trade training. And without encouragement during their high school years, most girls are not likely to consider training in a skilled craft.

According to Adolph Dardar, who was apprenticeship coordinator for the Chicago District Council of Carpenters Apprenticeship Program at the time of the Chicago hearings, only 3 out of 91 female applicants had been accepted between 1965 and 1974.[21] About 1,200 applicants, Mr. Dardar said, were enrolled in the council's 4-year course. The program is financed through a collective bargaining agreement between the employers and the carpenters union, both of whom contribute to a fund administered by the joint apprenticeship committee. The committee consists of labor and management trustees. In this way, he said, salaries of apprentices can be paid while they attend trade schools. They can subsequently receive on-the-job training at prescribed rates and entry into fields with negotiated salaries and benefits.

In 1978 Mr. Dardar noted an increased interest on the part of women in vocational training. In September 1977 the apprenticeship program had an open enrollment period and received 3,449 applications in 1 week, 131 from women. Of the 131 women who applied, 39 were eligible for training (compared to 1,630 men) and 6 of these women have been called.[22]

A major source of applicants for apprenticeship programs is the vocational schools. Patricia Mapp, who participated in a study of apprenticeships and women in Wisconsin sponsored by that State's department of industry, labor, and human relations, pointed out that her study had found vocational schools in Wisconsin had almost entirely male enrollments (98.5 percent in 1973).[23]

The Wisconsin study pointed out that most American teenage girls who are not college bound believe that, if they have to work at all, it is only for a short interval until they marry. They do not realize that, in fact, they may well expect to have to work outside of their home for more than 20 years as many women do.[24]

The existing apprenticeship system penalizes women who wake up late to the advantages of entering the skilled trades. Most joint apprenticeship committees set an age limit for applicants ranging from 24 to 27 years. Many of the women who have shown interest in apprenticeships have been in their late twenties or thirties.[25] The International Brotherhood of Carpenters removed its age limitations on apprentices after the Commission's 1974 hearings. The only requirement regarding age now is that apprentices be 17 years of age or older.[26]

Because the skilled trades have been traditionally an all-male preserve, women who seek access to them encounter hostility and resentment. Commission witnesses complained about harassment by fellow workers. Carolyn Molitor, an apprentice tool and die maker in Milwaukee, Wisconsin, first worked as an inspector in the same factory in which she became an apprentice. The harassment was so constant that she nearly gave up in discouragement:

> I get sort of picked on because I'm a little weaker than the guys. I can't move things as fast as they do and then when I move whatever

[20] Testimony of Mary Beth Guinan, Hearing Transcript, vol. I, p. 409.
[21] Testimony of Adolph Dardar, Hearing Transcript, vol. I, p. 319.
[22] Adolph Dardar, Apprenticeship Coordinator, Chicago District Council of Carpenters, staff interview, June 1978.
[23] Hearing Transcript, vol. I, p. 306.
[24] "Women in Apprenticeship—Why Not?" *Manpower Research Monograph*, no. 33, p. 14.
[25] Ibid.
[26] Dardar interview.

> I am trying to move, the heavy object, then there's comments made on my femininity.[27]

In spite of the obstacles, the number of women in the trades is growing. According to a U.S. Department of Labor report:

> Perhaps the most dramatic shift that occurred between 1960 and 1970 was the large influx of women into the skilled trades. In 1970 almost half a million women (495,000) were working in the skilled occupations (craft and kindred worker group), up from 277,000 in 1960, the rate of increase (nearly 80 percent) was twice that for women in all occupations. It was 8 times the rate of increase for men in the skilled trades.

Data for 1973 from the Current Population Study indicate that the movement of women into nontraditional jobs is continuing.[28]

Women, Ms. Guinan noted, want jobs that are not traditionally female because they pay well:

> Women don't particularly love heavy, dirty work, or monotonous routine work. Men do not particularly abhor nutrient roles—working with children, nursing, and so on. However, the reason that people like these heavy, dirty, monotonous jobs is because these jobs pay good money, a good living wage; they provide insurance, pension plans, fringe benefits, educational benefits, and job security, self-determination for a great number of men.[29]

There is some help for women who want access to the skilled crafts. A federally-funded program, "Better Jobs for Women," places women in the skilled trades and crafts. Women are recruited through schools, Federal programs, and State employment agencies. According to Dorothy Haskins, a job specialist then working with the program in Denver, Colorado, "Better Jobs" is especially intended to help female heads of households and minority women earn a good living.

After 4 years, the program had placed about 200 women in carpentry, plumbing, tool and die making, roofing, drywalling, and electrical work.[30] About half of these workers were minority.[31] The program helps women prepare for these jobs and provides psychological support for any difficulties they may encounter.[32] Most unions, Ms. Haskins noted, are not actively interested in recruiting women and many employers are outright unwilling to do so.

James Etheridge, administrator of the Airco Technical Institute at the time of the Chicago hearings, said that in a field in which there is a great shortage of trained workers, women may find entry easy, especially with large employers.[33] The Airco Institute trains welders, shipfitters, and burners and has graduated about 570 people. Most trainees have a sixth to ninth grade education and start at hourly wages of $4 and up. The number of women has increased so that the current class (at the time Mr. Etheridge testified) was nearly half female. He did not think that women students needed special preparation; he was able to place all women graduates[34] and they have performed well.[35] Mr. Etheridge also did not find that extra physical strength was required for these jobs. Welders do not lift anything heavier than 10 or 15 pounds and there is equipment to help workers lift more. One woman, he said, was 4 feet 11 inches and weighed 97 pounds, and "she's doing the work."[36]

After the Second World War, the number of white-collar jobs began to exceed blue-collar ones. The need for such workers created new opportunities for women, especially those with only a high school education. For many women, including minority women, access to clerical work was an improvement over blue-collar opportunities. For Carmen Souchet, who has been with Sears, Roebuck for 13 years and is now a merchandise inspector, a clerical position means better opportunities and conditions. "I want to better myself," she said. "I don't have to be too much on my feet and. . .your clothes won't get dirty."[37]

However, the increasing demands of employers for clericals have channeled women into clerical-type jobs and restricted their access to a wider range of occupations. In 11 job categories in 1974, men were evenly distributed in all categories. Women, however, were concentrated in fewer categories (35

[27] Testimony of Carolyn Molitor, Hearing Transcript, vol. I, p. 283.
[28] U.S., Department of Labor, Employment Standards Administration, Women's Bureau, *1975 Handbook on Women Workers*.
[29] Guinan testimony, Hearing Transcript, vol. I, pp. 408-09.
[30] Hearing Transcript, vol. I, pp. 288-89.
[31] Ibid., p. 288.
[32] Ibid.
[33] Testimony of James Etheridge, Hearing Transcript, vol. I, p. 297.
[34] Ibid., p. 290.
[35] Ibid., p. 291.
[36] Ibid., p. 292.
[37] Testimony of Carmen Souchet, Hearing Transcript, vol. II, p. 64.

percent clericals of approximately 34 million workers).[38]

Employment agencies, which are one of the means of access to job opportunities, have been accused of steering women into clerical jobs. Casey Kelly, then a freelance public relations specialist, surveyed 30 Chicago employment agencies selected from newspaper advertisements. She found that the agencies discouraged women from entering male-dominated fields and downgraded their skills except for clerical ones.[39] They require women but not men, she said, to take typing tests, and, she alleged, employment agencies were willing to enforce discriminatory job orders.

Ann Ladky, then president of the Chicago chapter of the National Organization for Women (NOW), testified that many agencies accept job orders specifying sex. In a 1973 study conducted by the New York chapter of NOW and the American Jewish Congress, she said, 82 percent of the agencies studied accepted such orders.[40] Elizabeth Tessner collected data and interviewed people for NOW. She received numerous complaints of discrimination from women concerning employment agencies. One woman economist, she said, complained to NOW that she was told to practice typing because there were no openings in her field. But the woman easily found an economist job through a newspaper advertisement after she stopped using the agency.[41] In a complaint from a husband and wife (both of whom had journalism degrees and the same work experience), the wife was asked to take a typing test but the husband was not.

A survey of Chicago employment agencies by 15 students from Northeastern Illinois University posing as job seekers also found these practices. In the study, all of the women but none of the men were asked to type, and one man was offered jobs that none of the women had heard about.[42]

Two women who had worked for employment agencies as counselors confirmed these practices. Sallie Noble, a personnel manager, had worked for two agencies. Her training, she said, included the practice known as "bait and switch." The agency's newspaper advertisements, aimed primarily at women, would describe clerical jobs in glamorous terms, such as "receptionist in professional offices" or "travel opportunities."

According to Ms. Noble:

> the first job of a counselor is to switch them off, get them off the idea that they are going to be a psychologist's receptionist and turn them on to the idea of being a regular clerical worker at a regular clerical salary.[43]

The counselor would switch them off by emphasizing the applicants' lack of qualifications, the general lack of good jobs, or the limited advancement opportunities, which may or may not have been true.[44] Discriminatory job requirements were presented by noting whether or not the company had an affirmative action plan.[45] The absence of an affirmative action notation would be interpreted as a code allowing discrimination.

Ms. Noble and Ann Ladky of NOW emphasized that private agencies cannot be expected to oppose the practice, since they have a stake in screening out applicants whose race or gender is unacceptable to the employer. "In effect," explained Ms. Noble, "the employer who is giving you the job orders is your boss. He is paying you and. . .he won't pay you for what he doesn't want. . . .In order to keep the account, you have to please the account."[46]

Ms. Ladky went one step further in her analysis, emphasizing that quite apart from agencies' needs to retain the favor of employers, those agencies have "clearcut economic reasons [to] increase the effects of sex discrimination." Channeling women into low-paying, high volume jobs increases the agencies' profits.[47]

Toby Atherton, then a Sears employee, had previously worked for an employment agency that had a standing order from Sears for "college grad, typing 40 words per minute."[48] Men were not referred to those jobs, she said, but were oriented toward sales; women were given a "long talk" to try clerical jobs.[49] Applicants who seemed like hard-working, "quiet" types were referred to Sears, she said.[50]

[38] *Working Women*, p. 7.
[39] Testimony of Casey Kelly, Hearing Transcript, vol. II, pp. 261–62.
[40] Testimony of Ann Ladky, Hearing Transcript, vol. II, p. 264.
[41] Testimony of Elizabeth Tessner, Hearing Transcript, vol. II, pp. 275–76.
[42] Testimony of Irene Hallett-Weller, Hearing Transcript, vol. II, p. 274.
[43] Testimony of Sallie Noble, Hearing Transcript, vol. II, p. 279.
[44] Ibid.
[45] Ibid., vol. II, p. 280.
[46] Ibid., vol. II, p. 281.
[47] Ladky testimony, vol, II, p. 268.
[48] Testimony of Toby Atherton, Hearing Transcript, vol. II, p. 41.
[49] Ibid.
[50] Ibid.

Several witnesses said that practices of employment agencies purposefully downgraded women's qualifications. Women, they also claimed, were kept waiting longer than men, asked very personal questions that men were not asked, and called by their first names.[51] According to one witness, a woman applicant who refused a job referral because the prospective employer propositioned her was pressed by the agency to take the job anyway.[52]

Many clerical jobs provide no opportunities for advancement and keep women in subservient positions even after many years of experience. Although employment agencies welcome the high turnover of clerical personnel, they know that if women are too ambitious, they will leave the field just as so many men do.

To counteract the discriminatory practices of Chicago employment agencies, a volunteer organization called "Flexible Careers" was started by several women. It is a nonprofit agency providing employment information, counseling, and support to women seeking a wide range of work opportunities, including nontraditional ones. Susan Schwerin, then coordinator of Flexible Careers, testified that, in her view, women need special services to help them overcome discriminatory barriers and get access to information on the whole range of available opportunities.[53] Ann Orum, executive director of Flexible Careers in 1978, stated that there continues to be a crucial need for such services for women.

### Office Workers

The situation of office workers in Chicago in large insurance and retail organizations was one in which women could work for years in the same company without hope of promotion. There is a wide income gap between men and women in these fields. Men occupy the higher rungs of the organizational ladder while women remain at the bottom. Women who testified at the Commission's hearing felt a sense of discouragement and injustice about being trapped in the clerical category.

Women Employed, an organization of women working in the Chicago Loop, estimated in 1974 that 91,000 women (about 45 percent of the work force) had jobs in the downtown area. More than 80 percent worked in the lower paying office, clerical, sales, and service positions. The average earnings gap between men and women in the Loop was about $8,000 a year.[54]

One of Chicago's major employers is the insurance industry, which had more than $12 billion in assets in 1974. The national headquarters of most companies that sell casualty and health insurance are located in the city as are many of the industry trade associations. In 1974 in Chicago 51 percent of the approximately 62,000 insurance industry employees were women. Men in the industry earned on the average $6,196 more than women.[55]

Robert Wilcox, then director of the State of Illinois Department of Insurance, believed that the employment patterns of the insurance industry showed a disproportionate number of white men in management and middle management positions than the population figures for the area would suggest if no discrimination existed.[56] A 1976 study by Women Employed revealed that:

> in the insurance industry, women and minority college graduates with no previous experience are placed as *assistant* underwriters. White male college graduates with no previous experience become junior underwriters. The junior underwriter is paid more than the assistant underwriter, receives training and then is promoted to an *underwriter* position. In insurance claims departments, women and minorities are placed as inside claims adjusters while white males become outside claims adjusters. The pay for outside adjusters is higher and this is the route to managerial positions.[57]

Bernard Epton, a State representative and chairman of the Illinois Insurance Study Commission and the Committee on Insurance of the Illinois House of Representatives, said that hearings held by his commission indicated "very definite discrimination insofar as women are concerned in the field of insurance."[58]

A group of women employees of insurance companies testified that their efforts to obtain promotions were thwarted. Rosemary Gerace had worked for an insurer for 22 years, starting as a clerk-typist. She then became a claim approver and,

[51] Hearing Transcript, vol. II, pp. 262–64.
[52] Tessner testimony, vol. II, pp. 276–77.
[53] Hearing Transcript, vol. II, p. 267.
[54] Hearing Transcript, vol. II, p. 44.
[55] Staff report of U.S. Commission on Civil Rights, submitted as exhibit 90, Hearing Transcript, vol. II, pp. 119–21.
[56] Hearing Transcript, vol. II, pp. 141–42.
[57] Women Employed, "Employment Patterns–A Study of Discrimination and Remedies" (June 1976). Women Employed is located at 37 S. Wabash, Chicago, Ill. 60603.
[58] Hearing Transcript, vol. II, p. 167.

as her unit grew, trained new people in all aspects of the work. She progressed to become a secretary to a manager and then "chief clerk." As the office grew, her responsibilities increased but her position remained the same for 10 years, after which she became an "office manager." (This is a middle management position in a large clerical department.)

Ms. Gerace believed that she was not getting the same grade or pay for her responsibilities as a man would get. She would have progressed to her position much more rapidly had she been a man, she said:

> I think it is easier for a man to move up. Well, one of the reasons I think it is easier is because he usually starts at a higher level than I did or than some women do.[59]

Ms. Gerace saw the company segregating men and women into different lines of progression, with women in the slower ones. In her department (claim payments), the workers are predominantly female:

> I would say that the recruiting for this position is toward women because women, as we all know, tend to be satisfied; the men become anxious and move on. The results are better with females. We get a longer period of service.[60]

When Ms. Gerace applied for a position as outside investigator, a traditionally white, male, middle management position, she did not get it.[61]

Sandra Harris, a black woman with a bachelor's degree from the University of Chicago, started in 1970 with an insurance company. She received 6 weeks of training during which she scored "very high" on all the tests given. She was assigned to be a "direct correspondent"—a clerical employee who handles inquiries from individual subscribers. Other trainees were assigned to be "group subscribers." None of the black trainees in Ms. Harris' group nor the other woman, a Mexican American, were assigned to "group subscriber" positions. Ms. Harris later found out that the latter involved greater responsibility and much more rapid promotions. She felt that she had been steered without reason into a dead-end job.[62] She left the company 3 years later still a direct correspondent.

Another witness, Bernadette Gabry, started as a telephone counselor. In 1970 she applied for a position as a marketing representative (a traditionally male job). The interviewer was concerned that she might be propositioned. That was the big problem they seemed to have, she said.[63]

A year later, a manager encouraged her to apply again because the company had an affirmative action plan and was looking for women. Her interview was very similar to the earlier one in that the interviewer kept worrying about her getting propositioned, married, or pregnant.[64] But Ms. Gabry did eventually get an opportunity in the job she wanted.

All of these employees, in response to questioning, replied that they felt underutilized and underpaid.[65]

### Industrial Workers

Women industrial workers were in situations similar to those of women in clerical positions. In testimony on women workers in the electronics industry, Jacqueline Schaffer, then a compliance specialist for the U.S. Department of Defense, pointed out that they were concentrated in semi-skilled entry levels in assembly work. They were seldom "foremen," she said, but were occasionally group leaders. According to Ms. Schaffer, one of the obstacles that prevented women from advancing was the lack of technical education:

> I don't find them out repairing their bikes with the knowledge of tools. I don't find them in the Armed Services, and in the service schools where much of the electronics skill is coming from.[66]

The technical requirements for advancement can sometimes be manipulated to prevent women from moving up. Florence Criley, then the international representative for the United Electrical, Radio, and Machine Workers of America, said that a job involving lifting would be described as much harder than it actually was when a woman applied.[67]

For one industrial worker, Edna Roberts, the lack of technical training has been an obstacle to promotion. Ms. Roberts, a high school graduate with no technical training, was employed by Zenith. She rose from lacer to utility operator to final test operator, but because she had no repair training, she

[59] Testimony of Rosemary Gerace, vol. II, p. 129.
[60] Ibid., p. 44.
[61] Ibid., vol. II, p. 123.
[62] Testimony of Sandra Harris, Hearing Transcript, vol. II, p. 127.
[63] Testimony of Bernadette Gabry, Hearing Transcript, vol. II, pp. 131–32.
[64] Ibid., vol. II, p. 132.
[65] Hearing Transcript, vol. II, p. 136.
[66] Testimony of Jacqueline Schaffer, Hearing Transcript, vol. II, p. 180.
[67] Testimony of Florence Criley, Hearing Transcript, vol. II, p. 182.

was unable to be promoted to technical supervisor. She felt that, on the basis of her experience, she was qualified and even knew more than some of the male supervisors with whom she worked.

Another obstacle to advancement by women in the industry is the lack of seniority. "A seniority list which shows the date you were hired," Florence Criley said, "is like gold in the bank to you, especially if you have a union to police this."[68] However, if seniority is not plantwide, a man in a different line of progression can outrank a woman even if he was hired after her.

Women are handicapped in acquiring seniority by protective legislation that in the past forbade women from working overtime or on certain jobs involving heavy lifting.[69] Also, women cannot accumulate time toward seniority while on maternity leave.[70]

Without plantwide seniority, women are hurt by layoffs. Ms. Schaffer pointed out that layoffs are done by business classification. An employer would rather let go semiskilled operators (who can easily be trained) than skilled workers (who are always scarce).[71] Ms. Criley thinks that companies benefit by concentrating women in assembly positions: "They have women who can outwork men in assembling and doing it very rapidly, getting less money than the men who bring in the materials."[72]

Workers at the Zenith plant had organized a committee to change traditional attitudes towards minority and women workers. James Payne, then a Zenith quality control inspector and a magnetic recorder specialist, testified that the committee was seeking to obtain the election of a black member to the board of directors. They had been able to obtain training programs to help employees advance and generally improve the attitudes of supervisors toward workers.[73]

Officials for Zenith who discussed the company's affirmative action programs stated that the company's female employees (55 percent of more than 11,000 workers) had enough seniority to be protected from layoffs.[74] The company had been recruiting workers, especially women, to apply to technical schools at company expense, but very few women had applied, James Vito, then the industrial relations manager, said.[75] The company retained an educator to talk with each employee personally to encourage hourly employees to advance by means of technical education.[76] Although progress seemed slow, the company increased its female professionals from 8 to 13 percent and female technicians from 14 to 24 percent between January and September of 1974.[77]

## The Response of Unions and Employers

### Unions

One of the problems of working women is the lack of organization. Margie Alberts, a secretary and union organizer from New York City, estimated that of the 34 million women in the work force in 1974, only 4 million were in the trade union movement.[78] This low number is in part due to the traditional exclusion of women from highly organized or unionized jobs, such as the skilled heavy industries, and to the predominance of women in fields such as office work and services, which have not been unionized to any significant degree.

Unions in the skilled industrial fields were described by women at the hearing as ranging from neutral to unresponsive in their attitudes toward women workers. Women apprentices who testified found no hostility on the part of their unions.[79] Dorothy Haskins, who placed women in skilled trades, found that unions, unlike some employers, did not oppose her efforts, but neither did they recruit women.[80]

Adolph Dardar, then apprenticeship coordinator of the Chicago District Council of Carpenters, testified that during a recent period of open application, 3,000 people applied for apprenticeship, including 80 women. He expected to see more women in the program because of the increase in the number of applicants and as "more and more of them are more sincere to come into the trade."[81]

Union officials did testify on the responsiveness of their organizations to the needs of women members. Martin Vaager, at the time of the hearings president of Independent Radionic Workers, the union for Zenith's hourly workers, said the union was encouraging the nearly 3,000 women members to partici-

[68] Ibid., vol. II, p. 181.
[69] Hearing Transcript, vol. II, p. 183.
[70] Ibid.
[71] Schaffer testimony, vol. II, p. 183.
[72] Criley testimony, vol. II, p. 182.
[73] Testimony of James Payne, Hearing Transcript, vol. II, p. 192.
[74] Hearing Transcript, vol. II, pp. 206, 208–09.
[75] Testimony of James Vito, Hearing Transcript, vol. II, p. 212.
[76] Testimony of David W. Denton, Hearing Transcript, vol. II, p. 213.
[77] Ibid., vol. II, p. 215.
[78] Testimony of Margie Albert, Hearing Transcript, vol. I, p. 259.
[79] Hearing Transcript, vol. I, p. 282.
[80] Testimony of Dorothy Haskins, Hearing Transcript, vol. I, p. 289.
[81] Dardar testimony, vol. I, p. 320.

pate in special training for advancement. Ninety shop stewards, he said, were called upon to implement this program.[82]

Rodger Earskines, then the resident and business manager of local 571, Sheet Metal Workers International Association, representing General Electric's Chicago-Cicero Operation, said that about one-fourth of the 3,000 members of the local were women. Earlier testimony by GE officials and data available to the Commission revealed that more than half of the union's members were women, but that only one of its officers was female. Mr. Earskines was not aware of any grievances based on sex, but admitted that he would be "rather naive" to say there was no problem in having so few women in higher labor grades.[83]

Some of the women in the union asked the executive board to set up a special committee to deal with the problems of women. That request, Mr. Earskines said, did not comply with the union's constitution and bylaws. To him, the principal problem was the fact that not all of the women union members wanted the committee or agreed on its membership: "So until women get together, I don't know what they want."[84]

Margie Albert believed that unions, like most male-dominated organizations, tended to ignore the problems of working women. Unions believed without factual basis, she said, that women were more antiunion than men. These attitudes provide one explanation why unions have failed to organize the one out of every three working women employed in office work.[85]

The nature of office work also accounts for the reluctance of organizers to unionize. The work is individualistic and a worker such as a secretary tends to identify with management, especially the individual for whom she works. Ms. Albert thought, however, that conditions were changing to make offices ripe for unionization.[86]

When Margie Albert's office was organized, clericals for the first time got severance pay, pension and vacation rights, and cost-of-living increases. The union rejected management's position that there be a ceiling for clerical or secretarial salaries, a concept that does not apply to other jobs.[87] Ms. Albert said:

> I think the main advantage though, aside from these kind of concrete bread and butter things, is a change in the relationships in the office, that women get into the position of. . .standing up for themselves, feeling respected and respecting themselves. . . .[88]

Chicago union women such as Barbara Merrill, then a supervisor of Cook County's Public Aid Department and an officer of Chicago's Civil Service Union, formed a nationwide Coalition of Labor Union Women to educate women to what their unions can do for them and how unions can be encouraged to work for women's interests. This group hopes to help both the organized and unorganized women workers achieve the benefits of collective bargaining.[89]

### Employers

Management representatives testifying at the Commission's hearing did not deny that women were underutilized or concentrated disproportionately low in the hierarchy of employees, but they denied any purposeful discrimination in their practices. Frank Metzger, senior vice president of the Continental Assurance Company at the time of the hearings, said that, while there is no overt discrimination in most industries, indirect discrimination and disparate treatment of women does take place.[90] One reason for this, he said, is that in a large corporation personnel procedures allow considerable discretion at each supervisory level:

> It is quite possible that within the range of acceptable policy. . .that policy may be applied differentially and I think in that kind of indirect way, discrimination can take place without there ever being a corporate policy. . .for specifically excluding people from certain jobs, for specifically paying certain categories of people less.[91]

State representative Bernard Epton, who chaired the Illinois legislature's hearings on sex discrimination in the insurance industry, characterized the employment discrimination found by his commission:

> First response would be sheer stupidity, the second would be sheer stupidity, and I would

[82] Testimony of Martin Vaager, Hearing Transcript, vol. II, p. 223.
[83] Testimony of Rodger Earskines, Hearing Transcript, vol. II, p. 222.
[84] Ibid., vol. II, pp. 225–26.
[85] Albert testimony, vol. I, p. 257.
[86] Ibid.
[87] Ibid., vol. I, p. 260.
[88] Ibid.
[89] Hearing Transcript, vol. I, pp. 259, 264.
[90] Testimony of Frank Metzer, Hearing Transcript, vol. II, p. 163.
[91] Ibid.

> probably go on to ten and by that time I would have to indicate, however, in defense of the industry, in almost every instance it was probably unintentional, it was just sheer stupidity.[92]

Mr. Epton said that he found no resistance to the idea that women should be treated equally. All of the insurance companies his commission examined had affirmative action plans in effect. However, he also found that the implementation of these plans "just failed to exist."[93] In his view, women would achieve equality partly because companies have a financial incentive to use women employees to their fullest capacity and partly because of an interest in avoiding the financial loss of verdicts of employment discrimination.[94]

Affirmative action plans in the insurance industry could achieve some concrete results. The Blue Cross Association, which represents 75 nonprofit plans and is the prime contractor for medicare, increased its minority employment by 18 percent during 8 years of affirmative action. No figures of rate change were given on women. Women in 1973 were 24 percent of officials and managers.[95] About 80 percent of the individual plans included some form of training for upgrading women's positions.[96] The representative from Prudential Insurance Company stated that, in 1973, 81 percent of all promotions went to women.[97]

### The Role of Government

One of the apprentices who testified at the Commission's hearing, Carolyn Molitor, had worked for 4 years as an inspector in a Milwaukee factory. Her work, which she described as "technical but easy," involved reading blueprints and using various gauges. When she applied to the tool and die apprenticeship program in her plant, she was told that this was impossible because she was a female and was not big enough to move anything heavy. Then, she said, "I think the Government stepped in."[98] There were no women in the tool room and since Ms. Molitor had showed an interest in tool and die work for 2 years, she was picked: "They had to have one. So I'm it."

Similarly, Bernadette Gabry received the marketing job she had earlier been denied as unsuitable for women because her company wanted to comply with an affirmative action plan.[99] To these women, Federal action made an important difference.

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP)[100] oversees Federal agencies to ensure equal opportunity in employment under Federal contracts. Executive Order 11246 was amended in 1967 to include equal opportunity based on sex. However, affirmative action to ensure equal hiring of women was not required until 1972.[101] The Chicago regional office of OFCCP covers 5 States and employed about 17 officials to monitor a large number of Federal agencies in 1974.[102] In 1978 the number of agencies OFCCP monitored was reduced to 11, but there were only six compliance officers monitoring Executive Order 11246.[103] Between October 1973 and September 1974, 26 "show cause" orders were issued to contractors warning them that their employment practices might be in violation of Executive Order 11246.[104] By comparison, for the period January–June 1978, only one agency, the Department of Defense, reported issuing any show cause orders. DOD issued 17 orders in that period.[105]

OFCCP officials who testified at the Chicago hearing stated that in the insurance industry they found "severe and drastic underutilization of women" under the standards established by Federal regulations. In the electronics industry, OFCCP officials found that women were improperly placed into stereotyped positions and hurt by maternity leave policies.[106] In the latter case, Federal standards on maternity leave policies have had an effect, according to Florence Criley of the United Electrical, Radio, and Machine Workers. When her union tried to negotiate a maternity leave provision in their contract, they did not succeed until the Equal Employment Opportunity Commission ruled that such leave was required by law.[107]

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[93] Testimony of Bernard Epton, Hearing Transcript, vol. II, p. 167.
[93] Ibid.
[94] Ibid., vol. II, p. 168.
[95] Hearing Transcript, vol. II, p. 152.
[96] Hearing Transcript, vol. II, p. 153.
[97] Hearing Transcript, vol. II, p. 231.
[98] Molitor testimony, vol. I, p. 279.
[99] Gabry testimony, vol. II, pp. 131–32.
[100] The Office of Federal Contract Compliance Programs was formerly called Office of Federal Contract Compliance (OFCC). It was renamed in September 1976.
[101] Hearing Transcript, vol. II, p. 234.
[102] Hearing Transcript, vol. II, pp. 232–33.
[103] James T. Wardlaw, Associate Assistant Regional Director, Office of Contract Compliance Programs, staff interview, July 1978.
[104] Hearing Transcript, vol. II, p. 238.
[105] Wardlaw interview.
[106] Hearing Transcript, vol. II, p. 237.
[107] This decision, however, was overruled by the Supreme Court decision in General Electric Co. v. Gilbert, 429 U.S. 125 (1976). The Supreme Court

As officials from OFCCP pointed out, Federal law on nondiscrimination in employment and as implemented by the Equal Employment Opportunity Commission, applies to nearly all employers, while the Executive order only applies to those who have Federal contracts or subcontracts.[108] OFCCP attempts to negotiate affirmative action plans on an industrywide basis to put contractors and noncontractors in the same position.[109]

Federal construction contracts also prohibit discrimination under apprenticeship programs involved in construction.[110] However, no goals and timetables for hiring women were included in construction contract affirmative action plans until April 17, 1978, when OFCCP finally published goals and timetables that included women.[111]

A broad program of Federal participation involving most apprenticeship programs is the Department of Labor's Bureau of Apprenticeship and Training (BAT). This program is designed to promote apprenticeship programs and to help unions, management, and State agencies formulate standards for such programs and cooperate in their implementation.[112] The Federal Government requires nondiscrimination in apprenticeship programs under the sponsorship. However, at the time of the Chicago hearings, only minority participation was subject to compliance monitoring and affirmative action requirements. Participation by women was not subject to monitoring and affirmative action requirements.[113]

Another shortcoming of the Federal program with respect to women's opportunities was pointed out by the Wisconsin study of apprenticeship programs. Most of the "traditionally female" employment areas such as day care or hospital aides, the study found, had never been considered for the development of apprenticeship programs. "Apprenticing" these trades would upgrade the standards of the work and provide workers with training and advancement opportunities.[114] Federal definitions of occupations and skills, the study pointed out, vastly underrated the complexity and difficulty of predominantly female-occupied jobs:

> A parent or parent substitute, even a NURSERY SCHOOL TEACHER does not rate with the DOG TRAINER. . .job analysts having presumably observed that children are rarely or never spoken to. . .persuaded. . . diverted. . .supervised . . .instructed. . .negotiated with. . . or mentioned. . . (skills which, when employed, lead to a much higher job classification).[115]

Testimony at the Commission's hearings indicated that State government has failed to ensure equal employment opportunities for women. Witnesses alleged that the Illinois division of private employment agencies did not vigorously enforce the State's requirement on nondiscrimination by employment agencies.[116] The State department of insurance held that it has no jurisdiction over the employment practices of its regulatees. The public contracts division of the Illinois Fair Employment Practices Commission has the power to impose affirmative action requirements only on those companies who bid on State contracts. It may initiate an investigation of employment practices only when a company requests an FEPC identification number that it must have to bid on State contracts.[117]

Several witnesses emphasized the need for women to use the weapon of litigation provided by Title VII of the Civil Richts Act of 1964 prohibiting sex discrimination in employment. Representative Bernard Epton favored better use of existing remedies: "If I were a woman and felt I were being discriminated against, I wouldn't hold a hearing, I would file a lawsuit."[118]

According to Louis Ferman, in the low-wage market lawsuits should be brought to eliminate widespread discriminatory patterns. The women's movement, he said, had neglected the employment problems of poor women, but there is no reason at any level to tolerate an unfair dichotomy of men's and women's jobs.[119]

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refused to invalidate under Title VII of the Civil Rights Act of 1964, as amended, an employer's health disability plan which excluded pregnancy benefits.

[108] Hearing Transcript, vol. II, pp. 245–46.
[109] Ibid.
[110] 41 C.F.R. §60–2 (Revised Order No. 4).
[111] Hearing Transcript, vol. I, p. 300.
[112] 43 Fed. Reg. 14888 (Apr. 7, 1978).
[113] Hearing Transcript, vol. I, p. 301.
[114] "Women in . . . renticeship—Why Not?" p. 17.
[115] Ibid., p. 20.
[116] Hearing Transcript, vol. II, pp. 269, 283.
[117] Casey Kelly, Women Employed, staff interview, June 1978.
[118] Epton testimony, vol. II, p. 168.
[119] Ferman testimony, vol. I, pp. 172–73.

Chapter 3

# Child Care

## Summary

Even if women are able to overcome the barriers that keep them from higher paying jobs, mothers in the work force bear the added responsibility of obtaining care for their children. Often the choices available do not permit care that is in the best interest of the children. In the absence of safe, affordable child care, women who could raise their families out of poverty must remain outside the labor force, or when compelled to work, place their children in circumstances detrimental to their wholesome growth. The social effect of indequate child care may be more costly in the end than provision for adequate child care centers.

For women with children, child care becomes a central concern in deciding whether to work, which hours, and where to seek employment. Not only does the Government fail to provide adequate funds so that child care needs can be met, but with an unclear national policy and lack of commitment, the Government also hinders women seeking solutions.

## The Need for Child Care

The responsibilities of child care have traditionally been assigned in this society to women. While mothers have always been the primary caretakers, grandmothers, aunts, female siblings, and other female kin have also provided child care. Nuclear and less-than-nuclear families have tended to replace extended family and community support systems as American society has become more mobile. Child care responsibilities have increasingly become a greater burden for two-parent and single-parent families which include an increasing number of fathers but are still primarily headed by mothers. The burden of these responsibilities is compounded by increasing numbers of mothers joining the work force.

One of the most striking demographic changes that has taken place in the post-World War II era has been the increase in labor force participation of women with children under 18 years of age. Since the period immediately preceding World War II, the number of women workers has more than doubled but the number of working mothers has increased more than tenfold.[1]

Mothers are joining the work force in increasing numbers. They seek employment out of economic necessity, as do most working men and women.[2] A women who is the head of her family because there is no husband present—whether she be widowed, divorced, separated, or single—is much more likely to be in the work force than the mother with a husband present in the home.[3] Even where the husband is present, however, a woman may be the

[1] Nearly half (49 percent) of all mothers were in the labor force in March 1976 compared with 35 percent in 1965, 27 percent in 1955, and only 9 percent in 1940. Although the labor force participation rates of all women have increased markedly in the postwar era, the growth among mothers has been substantially larger, so that by 1976 their rate actually surpassed that for all women. Of the nearly 38 million women in the labor force in March 1976, 14.6 million had children under 18 years of age. Some 9.2 million of these mothers had children 6 to 17 years ago only, representing over three-fifths of all working mothers. About 5.4 million had children under age 6, accounting for nearly two-fifths of all working mothers. Of these mothers, 2.8 million had children 3 to 5 years and 2.5 million had children under 3 years of age. U.S. Department of Labor, *Working Mothers and Their Children* (1977), p. 1 (hereafter cited as *Working Mothers).*

[2] U.S., Department of Health, Education, and Welfare, *National Childcare Consumer Study: 1975,* vol. III, p. 5-4. Of the households surveyed, 60 percent of the mothers who work reported that they did so "for economic survival."

[3] Of the total number of working mothers in March 1976, 11.7 million had

primary income producer for her family. If her husband is ill, handicapped, or out of work, she may be the sole support of her family. If her husband is underemployed—that is, not earning sufficient money to support the family—then the wife's financial contribution may be essential in keeping the family together and off welfare.[4] The growing participation of mothers in the work force not only assists the family unit in achieving economic self-sufficiency, but also benefits society generally in the contribution made by the numbers of women in essential jobs.

For a mother to secure employment, she must have some arrangement available for the care of her children during those hours she is absent from the home. Although patterns show some sign of change, even in two-parent families responsibility for care of children traditionally has been assigned to the mother whether or not she works. Working mothers of preschool-age children must find alternative care for the greatest number of hours. It is not surprising that there is a higher rate of labor force participation among mothers who have no preschool-age children.[5]

In a mobile society where, increasingly, three generations of a family do not live in the same household or even the same neighborhood, working mothers often cannot count on grandparents or other relatives to provide child care. Still, relatives and neighbors are the most frequent providers of care, and working mothers frequently choose such care over centers, even when group care is available.[6] Witnesses at the Commission's hearing describing the arrangements they had made for their children's care illustrated some of the alternatives.

Carolyn Molitor, a mother of three who was beginning a 5-year tool and die apprenticeship in Milwaukee, Wisconsin, replied when asked about her child care arrangement:

> Ms. Molitor. Right now my oldest daughter is 13 so that kind of takes care of itself. In earlier years it was a problem. You can't find a reliable babysitter for what I could afford to pay.
>
> Counsel. Have you looked for child care programs for your children?
>
> Ms. Molitor. [There are no programs] that I could possibly find. There isn't any kind of transportation to take the kids to and from, and if they do go to school, there are none where I live.
>
> Counsel. But now you rely on your 13-year-old daughter to take of your younger children?
>
> Ms. Molitor. Yes. And my hours are so that usually by the time the kids get home from the school in the fall I'm home a half-hour later so it's not that long.[7]

Marilyn Beis, a mother of two who had been working for 3 years as the first female construction carpenter's apprentice ever in Chicago, had this to say:

> Ms. Beis. We are fortunate to have a woman in the neighborhood who's willing to take in children, who's very good with children, and she takes care of my children during the summer months and before and after they come home from school during the school year. It was just by happenstance and sheer good luck that I was able to find such a good person.
>
> Counsel. What would you do if this person moved away?
>
> Ms. Beis. Well, this good person is going to move away as a matter of fact and I am currently in the process of trying to find a replacement, which is going to be very hard.

husbands present in the home and 2.9 million did not. The labor force participation rate for mothers without husbands present (63.8 percent) was more than two-fifths greater than that of mothers with husbands present (46 percent). Even with very young children (under 6 years of age), mothers with husbands absent had a labor force participation rate of 56 percent; the rate for those with husbands present was 37 percent. *Working Mothers*, pp. 1-2.

[4] A significant proportion of working mothers have husbands whose incomes are below the low-income or poverty level. In fact, among the 11.7 million working mothers with husbands present, 2.3 million had husbands whose 1975 incomes were below $7,000. Included were 595,000 whose husbands had incomes below $3,000; 671,000 whose husbands had incomes between $3,000 and $5,000; and about 1 million whose husbands had incomes between $5,000 and $7,000. Ibid., p. 9.

[5] Although the presence of very young children in the home tends to affect the labor force participation of mothers, an increasing proportion of these mothers are entering the work force. For example, from 1971 to 1976 the labor force participation rate of mothers with children under 3 years of age rose 7 percentage points—from 27 to 34 percent; for those with children 3 to 5 years the rate increased 9 percentage points—from 38 to 47 percent. However, the rate for mothers with children 6 to 17 rose only 4 percentage points over the 5-year period—from 52 to 56 percent. In 1960 the labor force participation rate of mothers with children under 3 was 17 percent; with children 3 to 5, 27 percent; and with children 6 to 17, 43 percent. *Working Mothers*, p. 5.

[6] U.S., Department of Health, Education, and Welfare, *Statistical Highlights From the National Child Care Consumer Study* (1976), pp. 7-9 (hereafter cited as *Child Care Consumer Study*). See also vol. III, pp. 3-17.

[7] Testimony before the U.S. Commission on Civil Rights, hearing, Chicago, Ill., June 19, 1974, Hearing Transcript, vol. I, p. 280 (hereafter cited as Hearing Transcript).

Counsel. Have you considered then putting your children into some kind of a child care program after the school program?

Ms. Beis. Well, I personally prefer to have them in the neighborhood in a family kind of situation. That's my own preference, so I haven't really considered child care programs. I'm not really sure whether there's any kind of facilities at any rate for a school-aged child to be taken care of after school is over until the time a parent comes home. I'm not sure that such a service exists.[8]

As another alternative for arranging care, some mothers are able to find employment in child care centers where their children are enrolled. One such woman testified at the Commission's hearing. As a divorced mother of a 7-year-old, a 3-year-old, and 5-year-old twins, Kathi Gunlogson was working for $2 an hour as coordinator of a preschool program in the building complex in which she lived. She had left her previous higher paying job because of the job-related expenses. In the following exchange, she described the hesitancy some women feel in placing children in group care:

Vice Chairman Horn. If child care services were available, do you feel as a mother you would be willing to have your children in child care facilities say, 6, 7 hours a day if. . .they were preschool, to seek employment?

Ms. Gunlogson. Well, that's kind of a funny question to ask somebody that is working in a preschool. I think a lot of women have a lot of reservations. They have feelings that they are not going to get the home atmosphere and this is the problem we have had in preschool with some of the mothers feeling they don't want their children to be in a preschool. They [would] rather have them in a home situation.

Vice Chairman Horn. What is your judgment now as one who works in a preschool situation? Is that a correct assumption?

Ms. Gunlogson. I'd say that it's false to many degrees. Now, it depends on the preschool obviously. There are a number [that] are very strictly run by State standards. And generally, the teachers can give the children more attention as far as their kids are concerned, as far as emotional development is concerned than somebody who is chasing the rest of their children around.[9]

Other considerations narrow the choices a woman has in finding suitable child care. When asked if she would place her children in group care so that she could find employment, Peggy Ballew, an AFDC recipient and mother of two, ages 4 and 8, testified:

Ms. Ballew. I would do this, but you see I have a 4-year-old son that could not take all day in school because he has had heart surgery and other bad health in the past and he couldn't take a full day.

If he could be with a good babysitter in the morning and then in the afternoon go to Head Start like he is going, that would be all right because even the head of Head Start noticed. They watch over him a lot more than they do the other children, and they say that he is not capable of taking a full day.

Vice Chairman Horn. In other words, if you had both group child care and individual child care services—

Ms. Ballew. Then I would want to work.[10]

In seeking care for their children, working mothers are often forced into unsatisfactory arrangements: toddlers are left with sleeping fathers home from night-shift jobs; babies are left in the care of older children or teenagers who have dropped out of school; or a senile grandparent or neighbor may be responsible for the children's care.

In many cases, even such minimal precautions cannot be arranged, with the result that an unknown but apparently large number of "latchkey" children (children who carry keys to their homes) are left completely unsupervised. Mothers of these children must accept such inadequate, unsafe arrangements or else surrender the possibility of providing a better future for their children through a steady family income. It is a painful choice: the alternative is to leave the work force and live on welfare. One of the hearing witnesses was a mother in such a predicament. Having lived on welfare in the past, "Nancy" was now working as a clerical, but was unable to make any arrangement for the care of her 9-year-old daughter. (Her 5-year-old was enrolled in a group center.) In response to questioning about what the older child did after school, "Nancy" replied:

[8] Hearing Transcript, vol. I, p. 281.
[9] Hearing Transcript, vol. I, pp. 16–17.
[10] Hearing Transcript, vol. I, p. 17. The witness requested anonymity in order not to jeopardize the safety of her child.

She carries a key and a whistle around her neck and she goes home. She's doing well in school, and seems responsible at home, but I'm concerned that a child of 9 needs more ongoing discipline, help in making decisions as to activities that they participate in, people that they are with after school.

What concerns me, I guess, is more of a long-range thing. Our building is unusually safe for a large or a small city. What I am concerned about are the long-range effects of her not having a more mature person around to help her learn to make decisions as to activities, types of things that are legal, illegal, whatever, to do during that 10 hours or more a week that she is unsupervised, and that at this point is what worries me more.[11]

The need for child care is not limited to single-parent families, however.[12] The data in a study of families using not-for-profit day care centers in Chicago indicate that two-parent families need day care for their children just as much as those families headed by one female parent.[13] Of the two-parent families in the study, 63.2 percent were either on welfare (13.5 percent), earning less than 150 percent of the basic welfare grant (18.4 percent), or had earnings between 151 percent and 233 percent of the basic welfare grant.

Of those two-parent families whose incomes fell below 233 percent of the basic welfare grant, both parents were working, and the mother's income was crucial for the support of the family in about 39 percent of the cases. The mother was the sole support of the family in another 21 percent of the cases in which the father was unemployed (approximately 6 percent) or in school or job training (14.9 percent). The mother was in school or in job training preparing to take a job in 25.4 percent of the cases. Of the remaining families (14.9 percent), more than half reported extenuating circumstances that made it impossible for the mothers either to work or provide adequate care of the child at home, including extreme poor health of the mother, a sibling whose problems required the mother's constant care, a severely disabled father, or infirm grandparents who were not capable of caring for the child alone.

The day care need for both the child and the family was clear in all the cases where income was less than double the basic welfare grant. It was, to a lesser degree, also present in the remaining 37 percent of families where income was greater than this figure. If the mother's income were lost, these families would be in the poor or near-poor categories, and the parents would lose the opportunities to continue in school or in jobs.

A series of public hearings on child care needs conducted under the auspices of the State of Wisconsin yielded two levels of justification for the existence of day care services and, it was argued, for governmental economic and program support of such programs.[14] Although the hearings were held some time ago, a more recent national survey substantiates the Wisconsin findings.[15] One cluster of reasons focused on the needs of children: on protection in the way of physical and emotional nurturing, as well as on the long-range, preventive, mental and physical health benefits to children. Another group of reasons was based on the needs of parents and families for economic independence and psychological and social well-being. The Wisconsin hearings disclosed that family- or parent-related reasons for day care cross all geographic, cultural, and economic lines in the State. Forty-one percent of those who spoke at the Wisconsin hearings stressed that families require day care to make possible the employment of either the single parent or both parents, which was an economic necessity.

In reference to the needs of the total family unit, the Wisconsin hearing participants indicated that day care services helped in the preservation of families and in allowing for the personal fulfillment—either through work or school—of parents. Among the students who attended the hearings were university, vocational school, and single, high school-age parents. Their interest in the welfare of their children was central in their testimony. They asserted that, by pursuing the dual roles of parent and student, they were attempting to improve the quality of their own and their children's lives.

One concern frequently voiced by opponents of increased governmental spending for child care is that making group care more accessible endangers the family. Mamie Moore, speaking for the largest

[11] Hearing Transcript, vol. I, pp. 327–28.
[12] *Child Care Consumer Study*, p. 13.
[13] Patty Gregory Kemper and Murrell Syler, Mayor's Office of Child Care Services, Chicago, Ill., "A Case for Day Care in Chicago" (June 1973).
[14] Hearing exhibit 52, *Wisconsin Day Care Open Hearings Report* (May 1973) pp. 5–8 (hereafter cited as *Wisconsin Day Care Report*).
[15] *Child Care Consumer Study*.

national association of child care activists, the Child Care and Development Council of America, addressed this concern:

> [G]iven a period of time that we are in, in terms of the state of families and the state of children, in most instances, there is very little that can be done to "destroy" families. We are already looking at the fact that the single heads of households are working without support network of services; two-parent families both are working without supportive networks of families, and are being forced into the position where they have to deal with the realities of struggling for survival, whether it is just minimal survival, or whether it is survival at a lifestyle that they have chosen to live at.
>
> In all cases, all of these families have to deal with a lack of the extended family that we had during a rural era, where there was a grandmother and uncle and aunt, or sisters and brothers. They are basically dealing with the development of their children by themselves.
>
> In all of these situations, they lack the supportive network. So, our families are already in a dangerous state of tipping over into a mass of destruction. Our position is that the only way we can deal with that is in terms of beginning to strengthen them[16]

Thus access to child care services is viewed not only as a concern of working mothers seeking safe, affordable arrangements for their children, but also as society's concern for the health and strength of its families.

Some effort was made during the course of the Commission hearing to ascertain whether the need for child care is affected by the minority status of the parents. According to Ms. Moore:

> We found that child care services, at this point, are predominantly accessible to the black community. It gets to be more of a problem, in terms of the nonblack minority units, such as the Spanish-speaking or Native American ethnic units. There is a whole different kind of mindset of these particular units in terms of what does child care mean to them, so that we may look realistically at the question of the Spanish-speaking community in terms of why they are not in the forefront.
>
> It has more to do with their lack of knowledge or their lack of money. Those are valid kinds of issues.
>
> It also has to do with their perception of child care and what it means. So they bring to the table different kinds of cultural orientation, as to who should deal with their children; whether the mother should really work; this is also true in the Native American.[17]

Murrell Syler, head of the Chicago Mayor's Office of Child Care Services, was asked at the hearings whether she or her office had identified any particular needs with regards to the Spanish-speaking community in Chicago or bilingual-bicultural child care:

> There is a need. We have not noted a vigorous effort, on the part of the Spanish-speaking community, to insist on day care. We do have a couple of centers that are excellent centers, and they are bilingual. I do think that there is a need to move in the area of providing employment opportunity for the Spanish-speaking people, before they really feel the crunch of the need for day care service.[18]

However, Mary Beth Guninan, who was instrumental in establishing two child care centers for Spanish-speaking children in Chicago, when asked to comment on these remarks, told the Commission: "The mothers in [the Spanish-speaking] community are desperate for child care."[19]

Rather than an issue of race or ethnicity, child care is, fundamentally, a "women's issue." It is a concern that looms large in the reality of every working mother, regardless of her race, ethnicity, or economic status. For women of low economic status, it is a critical factor in determining whether the working mother is able to lift her family out of poverty. Mamie Moore spoke of what she perceives as the overwhelming women's issue in child care:

> We have to face the fact that the headset of the United States is still one of traditionalism for the roles of women; that it's the women who have the responsibility for the rearing of children; women accept that phenomenon as well as men. So that the question of the child care and the child development needs of children, we are still saddled into thinking that it is our role, alone; our role as a mother in two-parent

[16] Hearing Transcript, vol. I, p. 348.
[17] Hearing Transcript, vol. I, pp. 350–51.
[18] Hearing Transcript, vol. I, p. 345.
[19] Hearing Transcript, vol. I, p. 409.

families; invariably our role, if we are a mother in a one-parent family.

However, the question of whether or not we should accept or whether or not we deserve or have a right to assistance and help in rearing our children, is still a very threatening kind of question for the families of America.

So that for women the question is the reality that it's not our role as women to be totally responsible for the rearing of children. It is not the role of women and the family to be totally responsible for the rearing of children.

The technological age that we are in warrants and demands that the development of children is beyond the realm of the nuclear family. And families have to become comfortable with the fact that I as a parent do not embody all of the skills and talents that are needed to develop the citizens of tomorrow. That, for us, is the critical women's question.[20]

## Providing Care

The Commission has not undertaken an evaluation of the effect on the family of the use of child care in its many forms, except to demonstrate that the lack of child care may keep women in poverty. Where child care is available to working mothers, it is necessary to examine whether it is safe, affordable, and of what quality. Many types of child care are possible and needed: 24-hour care, infant care, after school and before school care, family home care, care in centers, one-to-one care. Child care must be flexible to meet the needs of parents who work evening or night shifts, for families in crisis, and to accommodate the different needs of the children themselves. For example, Muriel Tuteur, director of a union's day care facility in Chicago, commented:

> Not only do I think, but I know there are children who function better and respond better in a home environment, rather than in a group care situation, and that is certainly a need and it's being done in some areas.
>
> There are day care centers which have set up satellite homes, and the parents who work in those homes do receive inservice training, so that they can function better, and hopefully provide a more enriching kind of environment for the children, than if they were not given that particular training.[21]

Ms. Syler of the Chicago Mayor's Office of Child Care Services drew the Commission's attention to school-age children:

> While I am very aware of the need for preschool, I think that we have not given sufficient consideration to the needs for the school-aged child; because our findings are that 33 percent of the mothers of children under 6 work, 53 percent of the mothers of children between 6 and 17 years of age work. Yet, we have less than 1 percent formal care for those children, and there is no known source of care for them for the hours that they are out of school.[22]

There was also testimony on the nearly total absence of licensed infant care in the city of Chicago.[23]

Testimony on child care alternatives included a close look at the distinction between "custodial" and "developmental" care to determine the essentials of quality child care. This distinction is the premise for the child care provided to a total of 1,300 children by the Amalgamated Clothing and Textile Workers Union in what is regarded as the model for union-sponsored child care in this country:

> Quality day care provides an enriching, stimulating experience for children, and not merely custodial care. Custodial care, at best, provides a physically safe environment, enough food to satisfy minimal nutritional needs, and some activity to keep the children busy and out of mischief. Many times a television set is the only form of recreation. Watchful care for each child's physical well-being is not enough. Young children who spend many hours a day away from home need a safe, loving, emotionally enriching and educational environment.[24]

Director Muriel Tuteur of the union's facility in Chicago, the Amalgamated Child Day Care and Health Center, explained further:

> When we talk about quality care for children as opposed to custodial care, I think we are getting into a totally different kind of bag. The quality program will have key personnel who are really trained and experienced in the field of early childhood education. It will provide the kinds of activities which will hopefully help those children who are in the program move in the direction of meeting their maximum potential, in the area of physical growth, in the area of

[20] Hearing Transcript, vol. I, pp. 349–50.
[21] Hearing Transcript, vol. I, pp. 335–36.
[22] Hearing Transcript, vol. I, p. 343.
[23] Ibid.
[24] Hearing exhibit 47, *A Union Sponsored Day Care Center* (1972).

intellectual growth, and in the areas of social and emotional growth.

> When we talk about quality comprehensive child day care, we talk about a setting where you have a good ratio of adults to children. Also, we are talking about quality of the staff involved in the program. In addition to this, I think you need a staff which in some way reflects the child enrollment in your program, a staff who in some way cannot only relate to the children, but who can also relate to the parents.[25]

Mamie Moore amplified these views:

> I would support what Ms. Tuteur said in the terms of the basics that she began to lay out in terms of quality child care but would extend it to talk about a definite focus, in terms of the cultural development of children and in terms of the very strong parental involvement. Not only in an advisory capacity, but in a policy-making capacity, because child care should be a developmental process for children, family, and community.[26]

She went on to remind the Commission that:

> On the issue of custodial versus quality. . .there is also babysitting. . . . Babysitting is that care that we don't even know anything about. I would surmise that most of the care in the country is babysitting, where mom just takes the child next door to the neighbor.[27]

Katherine Frankle, then coordinator of the Child Care Task Force of the Hyde Park-Kenwood Community Conference, offered the following perspective to the critics who measured custodial care against the ideal of quality, developmental care:

> I will submit that the definition that Ms. Tuteur has given of custodial care is a far better kind of care than being home alone, or on the street, or not being cared for at all. And until you are talking about meeting minimum needs, it is difficult to talk about quality.[28]

In Wisconsin's State-sponsored day care open hearings, 160 parents of preschool-age children testified. Sixty percent of the parents who gave testimony on the day care programs in which their children were involved emphasized their belief that an education-enrichment component was not only beneficial to their children, but also essential. Thirty percent specifically endorsed comprehensive care. In defining comprehensive care, detailed features (such as a nutritious food program, availability of health and program consultants, and educational enrichment activities) were included. No parent from any sector or region of the State indicated satisfaction with custodial care as an alternative, although some suggested that they were forced to accept low-cost, unsatisfactory child care in order to work. Many individuals expressed a blanket confidence in group care centers. They believed that because centers had to be licensed by the State, a high standard of quality was automatically being met.[29]

The issue of licensing and its effect on the provision of child care in the city of Chicago was explored during the Commission's hearings. This description was offered by Katherine Frankle, who assisted community groups in overcoming the hurdles of the licensing process:

> The problem in the licensing process comes in that there is no one code which states, clearly, in one place exactly what requirements have to be met and how they have to be met. There are several different city licensing departments who have to make their own determinations about different aspects of the space. The departments don't always agree with each other either as to who has jurisdiction over a particular problem, or as to what the solution of that problem ought to be and what will bring the building into licensing status. It is a very time-consuming process, and it's a very confusing process for people who are not used to dealing with government bureaucracy.[30]

To cope with this situation, the Mayor's Office of Child Care Services in Chicago was established to advise and assist applicants for licenses. The office serves to communicate code requirements to potential providers of child care and to channel applications through the various city departments.[31]

Testimony of child care activist Mamie Moore from the Day Care and Child Development Council of America gave a national perspective to the problem:

[25] Hearing Transcript, vol. I, pp. 333, 332.
[26] Hearing Transcript, vol. I, p. 349.
[27] Hearing Transcript, vol. I, p. 352.
[28] Hearing Transcript, vol. I, p. 334.
[29] Wisconsin Day Care Report.
[30] Hearing Transcript, vol. I, p. 330.
[31] See Murrell Syler, letter to Richard Baca, General Counsel, U.S. Commission on Civil Rights, June 13, 1977 (appendix E).

> The question of licensing is a broad question. There is no coordination whatsoever. There is absolutely minimal money available for the hiring of staffs. So a State may have a very fine licensing standard for a program, but they don't have the allocated resources so that the staff can go out checking those centers to license them.
>
> So you have centers who are unlicensed not because they want to be, but because there is not available staff. There is massive confusion on the issue of licensing and standards. Licensing pretty much speaks to physical facility; standards speaks to the question of total program, educational, nutritional, etc.[32]

Thus, licensing requirements at the local and State levels can serve to discourage the proliferation of much-needed child care facilities. At the same time, there are enforcement problems so that licensed facilities are not always quality centers. Testimony at the Commission hearing emphasized the need for flexibility. Joel Edelman, then director of the Illinois Department of Public Aid, oversees the State welfare bureaucracy, including Cook County where three-fourths of the State's AFDC recipients resided. He observed:

> We have one very serious concern about child care which I think may be of interest to the Commission.
>
> As you know, there are some stringent licensing requirements, certification requirements. Our sister agency, department of children and family services, has the responsibility to certify as to the standards and the adequacy of facilities and programs of the child care centers.
>
> We think, from what we have observed, particularly in the AFDC caseload, that it would be advantageous if we could have an approval from the [department of] children and family services to permit neighborhood women who would be willing and able to do it to accept child care responsibilities and for us to pay them for those child care responsibilities so that more children can be left with neighbors and relatives.
>
> I am not antiapproved program or licensed facilities or anything else, but I think there is plenty of need going unmet and it would certainly help us if the child care opportunities could be expanded by approving individual persons as certified for child care.[33]

However, the overriding problem was once again identified by Katherine Frankle as a lack of commitment to child care on the part of government at all levels:

> I think that it's important to note that one of the primary reasons that the licensing situation is difficult in Chicago, and elsewhere in the country, is that child care has no priority.
>
> There are no messages coming from the city, from the State, from the Nation as a whole that are saying that it is important for you to concentrate on finding and licensing suitable places for children. I would submit further that if the men in the country, who are primarily the lawmakers in this country, were responsible for their half of child rearing, it would be obvious that child care institutions are sorely needed, and there would be more of an atmosphere on all levels to facilitate the establishment of child care facilities.[34]

This lack of commitment is most keenly felt in the area of funding. Murrell Syler, head of the Chicago Mayor's Office of Child Care Services, testified about problems with funding encountered by her office:

> The largest problem we have is a matter of money for facilities. They do provide some funds for renovation of space, but in many instances that's the difficulty. Many times it's insufficient to do the kind of renovation that's necessary. So I'm very concerned that we really need more provisions for the cost of facilities. We have many funds for the cost of the program, per se, but not for the preparation of a facility for day care.[35]

At the present time some Federal and State programs exist that provide funds for child care. In 1976 legislation was enacted that amended Title XX of the Social Security Act[36] to delay (until October 1, 1977) implementation of child care center standards imposed by the Federal Government on States receiving aid, and that authorized up to $240 million

[32] Hearing Transcript, vol. I, p. 351.
[33] Hearing Transcript, vol. I, p. 101.
[34] Hearing Transcript, vol. I, p. 336.
[35] Hearing Transcript, vol. I, p. 343. The situation in Chicago has improved somewhat since the time of the hearings because of the city's use of some of its community development funds. These funds have been used as a revolving fund for low-interest loans and grants for renovation of day care space.
[36] Pub. L. No. 94-401 (Sept. 7, 1976), 90 Stat. 1215 (codified at 42 U.S.C. 1397). Although the amount of appropriated money appears large, very little of it is actually being disbursed due to a variety of obstacles which exist.

to be spent in 1977 and 1978 in Title XX programs. This included funds to States for the purpose of enabling State-level child care providers to hire welfare recipients to work in child care centers. However, a more comprehensive piece of legislation introduced in the 94th Congress, the Child and Family Services Act,[37] never came out of committee despite 12 hearings that were held. This legislation proposed Federal funds for a wide range of programs in the area of child care, child health, nutrition, and family consulting services (participation in which would have been voluntary by the States); additionally, it established and financed an office in HEW to coordinate child care programs and funds. It is unclear whether the same proposal will be introduced in the present Congress, although there undoubtedly will be some consideration of legislation relating to child care.[38]

The limited availability of funding means that for the overwhelming number of working parents child care is a cost that must be met from their own household budgets. At the State-sponsored hearings in Wisconsin, the cost of quality day care to parents—especially to the so-called "working poor" who in most parts of the State receive no subsidy—was cited as being an unreasonably high budget item, comparable to rent and food expenses. Therefore, low-income parents said they reluctantly accept low-cost and, for some, low-quality services from untrained babysitters.[39] According to Mamie Moore, even so-called "ability to pay" schedules do not meet the real budgetary needs of families:

> You can't talk to an appropriate fee schedule which speaks to each individual family's income and expenditure. That's the problem with the whole Federal fee schedule; it's not based upon the need and ability to pay. It is based on an assumption that there is an across the board, one-category need and ability, and so forth; that's not true. It's much more an individual decision that's warranted. It's for local program operations [to make] so that they know what is the need and ability to pay for each individual family.[40]

As long as the cost of child care remains largely unsubsidized (unlike food costs, which through food stamps are subsidized for the "working poor"), working mothers will be forced to consider cost over quality in arranging child care.

One method of providing assistance to families for their child care expenditures would be through tax relief. The Tax Reform Act of 1976[41] established a tax credit for child care expenses.[42] Previously, only the taxpayer who itemized instead of taking the standard deduction could claim child care expenses. Although Congress intended the new provision to treat child care expenses as a cost of earning income, such expenses are not afforded the status of "regular business expenses" for which there is no ceiling on the amount that can be claimed. If the actual cost of child care were deductible, instead of only a portion of the cost, employers might pay better wages to domestic and child care workers. Under the present law, there is no assistance available through the tax system for those working mothers who depend on relatives or neighbors who charge modest fees for child care and do not participate in the social security system. Many mothers could not work but for the availability of less than minimum wage child care.

Another issue in the provision of care is whom exactly should be looked to for child care services. Female workers, at the bottom of the economic ladder, have not been in a position to demand provision of child care as a condition of employment. Few industries and fewer unions provide child care services to employees or members. Interestingly, in nursing—a profession composed overwhelmingly of women and in which there are often not enough workers for available jobs—there are a number of hospital-sponsored child care centers. Hospitals require nurses around the clock, and because most child care providers offer services only during the day and evenings, these centers meet a critical need. But what about the night shift workers in factories, telephone operators, and female service workers employed around the clock? What child care is available to them?

[37] S. 626, 94th Cong., 1st sess., 121 Cong. Rec. 153 (1975).
[38] See U.S. Commission on Civil Rights, *Women and Poverty* (June 1974), for a discussion of child care legislation.
[39] *Wisconsin Day Care Report*, p. 16.
[40] Hearing Transcript, vol. I, p. 354.
[41] Pub. L. No. 94-455, 90 Stat. 1520 §504 (1976).
[42] Under the new law, the taxpayer can deduct from income tax due 20 percent of up to $2,000 in expenses incurred for the care of one child inside or outside the home (20 percent of up to $4,000 for two or more children). Thus the maximum that can be deducted is $400 for one child and $800 for two or more children. The child care provided can be by a relative as long as the provider is not a dependent of the taxpayer or a member of her household, and as long as the earnings are subject to social security tax. The tax credit may be taken where one or both parents work part time or where one parent is a full-time student or is disabled; however, the expenses claimed cannot exceed the income of the lower paid spouse.

Murrell Syler talked about her experience with those providing child care:

> Who sponsors the day care? Generally, it's a community-based organization or church facility. There's been no experience that I can relate where an outside body, or officials, come into a community and say, "Look, we're going to provide this service for you." [Rather] it has been a response to that local community saying, "That is what we want to do," and then helping them get that program under way.[43]

She expressed her strong view that the State itself should not be an alternative agent for providing child care, that community groups do the best job:

> The city and the State should be very involved in making sure that there are programs, that they are quality programs, and that they are administered properly. But I just don't think that they should get into the business of actually offering and having their own staff on the payroll as the people who provide the day care service. . . .
>
> If [the State] turns it over to the community, and continues to fund it, then it should be controlled and administered by the community, and I think that the community has a much better feel for it than they would if the government controlled and administered the center.[44]

She also identified the church as one of the best sponsors of day care because most community-related, not-for-profit centers are church sponsored.[45]

Then Director Edelman of the Illinois Department of Public Aid, testifying about the services provided by his agency, was asked which support services were most needed. He replied: "Well, certainly child care would be very important, transportation expenses, but I think the most important would be child care."[46]

It should be noted that those who provide child care not only offer much-needed services, but also create jobs. Centers are a source of employment for workers who lack the skills for more remunerative employment. Workers in day care centers are rarely unionized and are paid at the minimum wage; they are mostly women. Family home providers and babysitters often earn far less than the minimum wage. An adequate wage for child care workers could have a significant effect on one portion of the country's "working poor."

## Child Care—Where Do We Go from Here?

The need for child care has been documented widely over the past several years. The Department of Labor's *Handbook on Women Workers—1975,* the *International Women's Year Report,* and numerous other studies done by governmental, public service, and private bodies all speak of the rapidly increasing need for child care services and the inadequate alternatives now available. Commissioner Freeman asked Ms. Moore of the Day Care and Child Development Council of America about the future:

> Commissioner Freeman. Ms. Moore, would you tell the Commission what steps you believe are necessary to improve the present situation, in terms of priorities? What is it that needs to be done, first, and who should do it?
>
> Ms. Moore. The very reality of the first step is public education. The only way—and this was proven by the civil rights era—that we get changes in terms of the rights and needs of people is through public outcry and public awareness.
>
> There was a lot going on in the South, in terms of discrimination, but the rest of the country did not know it. The civil rights movement made a national public awareness on the injustices that are brought upon children and families, so that citizens will no longer allow their governmental systems, who are charged with protecting and assuring their rights, to overlook this. And, I think, that's the very, very first step. Until the thinking of the American public is changed about needs of children, and where we are very realistically in this technological age, we are not going to get that.[47]

[43] Hearing Transcript, vol. I, pp. 345–46.
[44] Hearing Transcript, vol. I, pp. 346–47.
[45] Hearing Transcript, vol. I, p. 344.
[46] Hearing Transcript, vol. I, p. 101.
[47] Hearing Transcript, vol. I, p. 353.

## Appendix A

## UNEMPLOYED PARENT PROVISIONS

| State | Eligibility Requirements |
|---|---|
| California | Employable recipient must not fail without good cause to accept employment, manpower services, or training ("good cause" requirement). Labor dispute constitutes "good cause" |
| Colorado | "Good cause" requirement; benefits payable to persons unemployed by virtue of labor disputes |
| Delaware | Same |
| District of Columbia | No provision for parent who is unemployed by virtue of a labor dispute |
| Hawaii | "Good cause" requirement; benefits payable to persons unemployed by virtue of labor disputes |
| Illinois | Same |
| Iowa | No provision for parent who is unemployed by virtue of labor dispute |
| Kansas | "Good cause" requirement; benefits payable to persons unemployed by virtue of labor disputes |
| Maryland | Same |
| Massachusetts | Same |
| Michigan | No provision for parent who is unemployed by virtue of labor dispute; discrimination on account of race, sex, religion, or national origin is "good cause" only where parent takes legal action as a result of the discrimination |
| Minnesota | No provision for parent who is unemployed by virtue of labor dispute |
| Missouri | Benefits payable only to adoptive fathers and stepfathers. No Federal financial participation |
| Nebraska | No provision for parent who is unemployed by virtue of labor dispute |
| New York | "Good cause" requirement; benefits payable to persons unemployed by virtue of labor dispute |
| Ohio | Same |
| Oklahoma | Same |
| Oregon | Same |
| Pennsylvania | Same |
| Rhode Island | Same |

**Appendix A (continued)**

| | |
|---|---|
| Utah | Same |
| Vermont | Same |
| Washington | Same, but "father" specifically includes stepfather |
| West Virginia | No provision for parent who is unemployed by virtue of labor dispute |
| Wisconsin | Same |

Source: Information compiled by Commission staff from most recent State plans on file with Social and Rehabilitative Services Office, U.S. Department of Health, Education, and Welfare.

## Appendix B

STATE OF ILLINOIS
DEPARTMENT OF PUBLIC AID

ARTHUR F. QUERN
ACTING DIRECTOR

316 SOUTH SECOND STREET
SPRINGFIELD, ILLINOIS 62762

June 1, 1977

Mr. Richard Baca, General Counsel
United States Commission on Civil Rights
Washington, D.C. 20425

Dear Mr. Baca:

I am in receipt of your letter dated May 13, 1977, in which you enclose draft chapters from a report that the Commission on Civil Rights is preparing on women and poverty.

You are correct in stating that your conclusions may differ from interpretations made by our staff. This is especially true as one compares the Department's current situation to its operation back in 1974. I feel, however, that it will not be possible for this department to make substantive comments on each item included in the draft chapters by your June 3rd deadline. Such comments would be so numerous as to give the information collected in June 1974 an entirely different perspective. I would instead like to cite a few examples that impact significantly on the data in your report.

I would first like to mention the Department's "Total Impact Program," which became effective on January 1, 1975. One of the most significant aspects of this program was to completely bring the Cook County Department of Public Aid under the administration of the State Department of Public Aid, like the other 101 counties in the State. The obvious effect of staff being responsible for approximately 70% of the caseload not being under the State's control goes without saying.

The State also, in early 1975, revised its caseworker classification series and created a "Career Ladder Program." The career ladder greatly improved the way caseworkers are brought into the system and the way in which they can advance through the system. An additional 1975 change was the implementation of a revised caseload staffing formula which prevents the excessive caseload sizes characterized in the 1974 report.

Even though the Department of Public Aid has always compared favorably with other state departments in regard to affirmative action activities, we have recently made an effort to increase this activity. There were comments made during the 1974 hearings criticizing the number of Spanish speaking workers in the Department. A recent survey indicated that 38% of the Spanish speaking persons employed by the State of Illinois are employed within the Department of Public Aid.

Finally, I want to state that the Department has not experienced any significant problems in assisting welfare mothers in locating and securing day care services.

I hope that the above comments will be of some value as you put together your final report, and we will be happy to supply specific information upon request.

Sincerely,

Arthur F. Quern
Acting Director

AFQ:ms

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## Appendix C

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY EDMUND G. BROWN JR., Governor

DEPARTMENT OF BENEFIT PAYMENTS
744 P Street, Sacramento, CA 95814
(916) 322-5330

June 3, 1977

Mr. Richard Baca, General Counsel
United States Commission on Civil Rights
Washington, D.C. 20425

Dear Mr. Baca:

We have revieved with interest the draft chapter "Women on Welfare" from your report on women and poverty. In regard to the three specific references to the AFDC program in California, our comments are as follows:

Page 15: Through state and county efforts California has made substantial progress in reducing the incidence of problems such as those mentioned by Ms. Escalante. County welfare departments with non-English speaking applicants and recipients are required by regulation to provide translated forms and to have sufficient numbers of qualified bilingual employees assigned to public contact points. Translated forms required in the AFDC program are made available by the state for use by all California counties. Some counties have gone beyond these requirements by translating other forms they use in the administration of the program and by setting up specialized systems or units for the sole purpose of facilitating communication with non-English speaking applicants and recipients. We are continuing our efforts to ensure that all communication with non-English speaking applicants and recipients is in the language they understand.

Page 18: According to our records, the reference to the 1970 nonconformity hearing is accurate with respect to California.

Page 22: California has made significant improvements since Mr. Abascal's reference to rent allotment increases in relation to increases in the cost of living. Since 1971 California has used a flat grant system of aid payments in which grants are not broken down into components for rent, food, utilities, etc. AFDC grants are adjusted annually to reflect any change in the cost of living, using the United States Bureau of Labor Statistics Consumer Price Index for California as the measure of the cost of living. The Consumer Price Index for California was 74.8 in 1951 and it increased 125 percent to 168.2 in 1976. The average monthly AFDC grant paid per family (3.3 persons) in California in 1951 was $109.03. In 1976 the average grant paid

per family (3.1 persons) was $259.36. That represents a 138 percent increase, which is substantially greater than the increase in consumer prices.

In California we have a strong commitment to administer the Aid to Families with Dependent Children Program in a manner that is fair and equitable and ensures that families receive the amount of assistance to which they are entitled. We are sure that through our continued efforts we will attain our goals.

Thank you for giving us the opportunity to comment on the chapter. If you would like additional information, please contact us.

Sincerely,

William D. Dawson, Chief
AFDC Program Management Branch

## Appendix D

## COMPARISONS OF STATE NEED AND ASSISTANCE LEVELS

| State | State-Determined Need Level for Family of Four | Assistance Payment for Family of Four |
|---|---|---|
| Alabama | $240 | Between $140 (60% of need) and $170, depending on whether special needs such as school expenses are allowed |
| Alaska | | Maximum payment is $400 per month for 1 adult and 3 children; family maximum (regardless of size) is $520 |
| Arizona | $282 (with shelter costs); $220 (without shelter costs) | $198 (70% of need) |
| Arkansas | Net "flat grant" State; items of need are:<br>Food and clothing $60 adult<br>$45 child<br>Medical supplies $40<br>Shelter $20 owners<br>$40 renters<br>Utilities $15<br>School supplies $ 4 per child | Maximum grant: 2 adults, 2 children—$130; 1 adult, 3 children—$140 |
| California | $347 minimum needs; $36 ceiling monthly on payments for securing special needs | $311 maximum grant |
| Colorado | 1 adult, 3 children—summer $264, winter $279; 2 adults, 2 children—summer $276, winter $291 | 100% of need |
| Delaware | $287 (including shelter & utilities) | $287 |
| Georgia | $246 | $148 (60% of need) |
| Hawaii | $232 and special needs (rental deposits, utility deposits, appliances in addition to shelter maximum of $265) | 100% of need |
| Illinois | Region I (Cook County is in this area):<br>children only—$226<br>adult, children—$267<br>Region II:<br>children only—$238<br>adult, children—$300<br>Region III:<br>children only—$226<br>adult, children—$333 | 100% of need |

## Appendix D (continued)

| | | |
|---|---|---|
| Iowa | $395 | $376 (95% of need) |
| Kentucky | $235 | $235 |
| Mississippi | $227 | $72 and $50 shelter maximum |
| Missouri | $365 | $208 for family with 1 adult; $161 for 4 children |
| New Hampshire | $221 and shelter from actual cost to maximum of $155 | 100% of need |
| Nebraska | $330 | $294 |
| New Jersey | $356 | $356 |
| New York | $258 and $186 shelter allowance for New York City (varies by region) | 100% of need |
| North Carolina | $200 | $200 |
| Ohio | $431 | $254 |
| Oklahoma | $248 for family with adult; $236 for 4 children | 100% of need |
| Pennsylvania | State divided into 4 regions:<br>I—$373<br>II—$360<br>III—$349<br>IV—$330 | 100% of need |
| Texas | $187—family with adult<br>$118—family without adult | $140.25<br>$ 88.50 |
| Virginia | $346 | $311 (90% of need) |

## Appendix E

June 13, 1977

Mr. Richard Baca
United States Commission
on Civil Rights
Washington, D. C. 20425

Dear Mr. Baca:

I appreciate having an opportunity to have a preview of the Chapter Three on child care drafted for the report on women and poverty which was prepared by the United States Commission on Civil Rights. This report has excellent potential to advance the welfare of women and children. I have a few comments which I hope are timely enough to be considered in preparing the final draft of Chapter Three of this report.

City of Chicago
Michael A. Bilandic, Mayor

Mrs. Murrell Syler
Administrative Assistant
to the Mayor

Mayor's Office of Child
Care Services

123 West Madison Street
Ninth Floor
Chicago, Illinois 60602
312 744-7810

In general, the content appears to be factual and an accurate account of the hearing the Commission held in Chicago in June 1974. However, there have been some changes in circumstances in Chicago since that date of the hearings which makes some of the facts as stated a distortion of the actual situation. My comments are as follows:

1. On page 17, Katie Frankel, a representative of the Hyde Park Day Care Task Force testified that obtaining a city license was difficult because several different city departments have to make their own determination about different aspects of the space and that there was no one code which stated the codes clearly. This statement was made due to a lack of comprehension of the purpose of the Mayor's Office of Child Care which was established in August 1971 specificially to provide a single source of information about the code requirements for day care space and to coordinate the inspection and licensing of day care centers for the city. The office has functioned effectively and there are no compliants in this regard in the day care community of Chicago regarding any problems in understanding the licensing requirements or in securing a day care center license or the renewal of a license in a timely manner.

You may find it advisable to review this situation before reporting this as a current fact. I am enclosing booklets published by the Mayor's Office of Child Care Services which provide information to applicants and operators of day care services. These booklets are widely distributed and familiar to people in the field of Child Development in Chicago. They are all acquainted with this office and participate in the office activities and policy decisions.

2. On page 17 and 18 a statement of Murrell Syler, (myself) has been taken out of context and is misleading. The statement quoted was made in defining the overall responsibilities and activities of the Mayor's Office of Child Care. The statement does not include the one made about how the office gathered information about the licensing problem and went about establishing a revised procedure for licensing day care centers in Chicago and preparing a booklet which included all the city's licensing requirements for day care. It instead, refers to the research and planning responsibilities which were ancillary to the office's primary responsibility for coordination of licensing. The quotation should either be deleted or substituted with the statement made pertinent to the office's procedure for coordination of licensing to prevent duplication of effort, inconsistencies, and confusion. If the transcript is studied further, I am sure the proper reference to this matter can be found.

3. On page 20, Murrell Syler (myself) testified that there were generally sufficient funds for the ongoing costs of a day care program, but insufficient funds for renovation. This situation has changed somewhat because the city opted to use some of its Community Development funds to set up a revolving fund for low interest loans and grants for renovation of day care space. This has relieved this problem considerably and the number of centers needing funds for renovation no longer present our greatest problem. The problem in funding has now evolved to

be a need for funds to keep up with the cost of living so that day care budgets can include appropriate salary increases. The guidelines and appropriation for day care have made it practically impossible to make the needed budget increases to keep current with the cost of living.

4. Finally, on page 26-27 the concluding statement indicates that the next step for child care advocates is public education as nothing can be changed until the climate of public opinion is changed, but it falls short of assigning responsibility for this public education and suggesting ways and means of accomplishing this worth-while objective.

Again, I appreciate the opportunity to have reviewed the draft for this important report and trust that my comments can be given full consideration in the preparation of the published report.

Sincerely,

Murrell Sylet

(Mrs.) Murrell Sylet
Administrative Assistant
to the Mayor

Enclosures ✓

☆U.S. Government Printing Office: 1979—627-519/1842